United Nations A/HRC/32/4

General Assembly

Distr.: General
15 April 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Namibia

* The annex is being circulated in the language of submission only.

GE.16-06213(E)

1606213

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	5
II.	Conclusions and/or recommendations	14
Annex		
	Composition of the delegation	28

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fourth session from 18 to 29 January 2016. The review of Namibia was held at the 1st meeting, on 18 January 2016. The delegation of Namibia was headed by the Minister of Justice, Albert Kawana. At its 10th meeting, held on 22 January 2016, the Working Group adopted the report on Namibia.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Namibia: Latvia, Morocco and the Republic of Korea.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Namibia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/24/NAM/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/24/NAM/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/24/NAM/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Liechtenstein, Mexico, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Namibia through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of Namibia stated that Namibia valued the distinct universal and peer-review nature of this mechanism. Namibia had submitted a second-cycle report, which provided information on the implementation of recommendations and on other progress made. The report also provided information on the challenges faced in implementing some of the recommendations. Namibia valued the contribution of civil society in the preparation of the report.

6. Namibia had submitted all outstanding reports on international and regional instruments to which it was party.

7. The Government of Namibia remained committed to delivering on the promises made to build on the progress achieved during the era of peace and stability, and to move into the era of economic emancipation and prosperity for all, where no Namibian would be left behind.

8. Namibia was the driest country in sub-Saharan Africa and frequently bore the brunt of global climate changes in the form of droughts and floods. Namibia was currently experiencing a severe drought that was entering its second year. As a result, the Government had been forced to, inter alia, redirect resources from education, health and infrastructure development to drought relief.

9. The budget of the Office of the Ombudsman had been increased to enable cases of human rights abuses to be investigated and awareness-raising programmes to be carried out. The Office of the Ombudsman had recently completed a draft white paper on the rights of marginalized communities, and had facilitated the process for the preparation and drafting of the National Human Rights Action Plan, which had been adopted by the Government in December 2014.

10. Namibia continued to do well on media freedom. The Reporters Without Borders World Press Freedom Index of 2015 had ranked Namibia seventeenth out of 180 countries in the world and first in Africa in the areas of media pluralism and independence, respect for the safety and freedom of journalists, and the legislative, institutional and infrastructural environment in which the media operated.

11. The overriding challenges experienced by Namibia were in effectively tackling and overcoming unemployment and persistent poverty. As shown by the Gini coefficient, Namibia was one of the most unequal societies in the world, with a huge income gap between the rich and the poor that had been inherited at independence. Namibia was regarded as an upper-middle-income country, mainly due to its per capita gross national income, relatively world-class infrastructure, sophisticated banking system, good coverage of medical services, stable democracy and many other amenities reminiscent of a developed country. Consequently, Namibia had experienced the withdrawal of many international social partners, which had aggravated the challenges.

12. In 2015, the Ministry of Poverty Eradication and Social Welfare had been established, with a mandate of coordinating all programmes aimed at eradicating poverty. The percentage of people receiving social grants, such as disability grants, old age pension, and grants for orphans and vulnerable children, had drastically increased. The Wage Order for Domestic Workers Regulations (under the Labour Act of 2007) which had come into force on 16 December 2014 set the minimum wage and supplementary minimum conditions for employment for domestic workers.

13. A draft law to be tabled in Parliament before the end of 2016 defined the crime of torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

14. In 2015, Parliament had passed the Child Care and Protection Act, which dealt, among other things, with juvenile justice, adoption, and protection from harmful cultural practices. The first children's advocate had been appointed in the Office of the Ombudsman.

15. In 2014, the Government had implemented free universal primary education in public schools, which had been extended to secondary education in public schools.

16. Violence against women and children remained a serious concern. The Combating of Domestic Violence Act was currently being reviewed with a view to increasing penalties.

17. In March 2010, a revised National Gender Policy, for 2010-2020, had been launched. The overarching goal was to achieve gender equality and the empowerment of both men and women. Following elections in 2014 and 2015, women made up 41.6 per cent of the representatives in the National Assembly, 23.8 per cent of the representatives on regional councils and 48.2 per cent of the representatives on local authority councils.

18. Maternal mortality remained a concern and measures to reduce maternal mortality had been introduced. Those measures included a road map for an acceleration in the reduction in maternal and neonatal mortality and for a revision of the scope of practice for the health-care profession (nurses and midwives), an increase in capacity-building, information and awareness campaigns on health issues, and prevention of the mother-to-

child transmission of HIV. The 2013 World Health Organization (WHO) guidelines on starting antiretroviral treatment earlier had been adopted.

19. The judiciary had introduced a number of measures aimed at reducing the backlog of criminal cases in the courts. The Criminal Procedure Act of 1977) had been amended to give prosecutors authority to issue admission-of-guilt fines in specified cases and circumstances, making court appearances unnecessary. The Magistrates' Commission, an independent body, was considering the possibility of operating Saturday courts specifically in order to deal with the backlog of cases. In addition, the Constitution was amended in 2014 and the Judiciary Act was passed in 2015 to further enhance the independence of the judiciary, with a separate budget and separate administrative staff. Mobile courts would be introduced in 2016.

B. Interactive dialogue and responses by the State under review

20. During the interactive dialogue, 96 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

21. Panama welcomed the adoption of the National Plan on Human Rights 2015-2019, and efforts to provide universal access to education and to end gender inequality, child marriage and sexual violence.

22. The Philippines appreciated the recognition by Namibia that gender-based violence was a serious concern as well as its achievement in providing universal access to health services and to education.

23. While applauding the adoption of gender policies, Portugal was concerned at discrimination against minorities, and at the lack of access to basic rights such as the rights to drinking water, sanitation and education.

24. The Republic of Korea noted the efforts made by Namibia to advance gender equality at all levels, especially through its National Gender Policy and its cooperation with the International Labour Organization (ILO) on the elimination of child labour.

25. Romania commended Namibia for the particular attention it had paid to the universal periodic review process, notably by its presentation of a mid-term report on the implementation of the accepted recommendations.

26. The Russian Federation noted that, despite a number of existing problems, Namibia had taken effective measures to build democracy and the rule of law through, inter alia, the institution of mechanisms monitoring the implementation of human rights.

27. Senegal welcomed progress on reforming the property laws relating to land and the reducing poverty within the framework of the Vision 2030 project, and efforts in the field of education and health.

28. Serbia acknowledged the efforts that Namibia had made to combat discrimination on all grounds, and encouraged Namibia to take all necessary legal actions to guarantee equal protection of women before the law.

29. Sierra Leone noted the commitment made by Namibia to preventing gender-based violence and to providing universal access to compulsory basic education, which included the creation of mobile schools for nomadic communities.

30. Singapore commended the efforts made by Namibia in protecting the rights of the child and children's welfare, enhancing access to quality education, achieving gender equality and eliminating gender-based violence.

31. Slovakia noted that the backlog of cases in the criminal justice system remained a challenge. Slovakia also noted the persistence of harmful practices against women, despite the Government's focus on achieving gender equality.

32. Slovenia welcomed the creation of human rights institutions and the adoption of policies and measures on human rights, but noted the persistence of harmful practices and the prevalence of violence against women.

33. South Sudan appreciated the strengthening of the institutional human rights framework, the establishment of a human rights department in the Namibian Police Force, and the empowerment of persons with disabilities.

34. Spain commended the ratification of almost all international and regional human rights conventions, and the development of a wide legal framework at the national level. Spain stated that more should be done for the inclusion of indigenous peoples.

35. Sri Lanka observed that the Office of the Ombudsman had maintained "A" status in terms of the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) consecutively for the past nine years, and welcomed efforts at promoting gender equality and protecting children against sexual violence.

36. The State of Palestine welcomed progress made in addressing poverty and underdevelopment, despite several challenges such as droughts, a lack of available resources, and insufficient assistance from the international community.

37. Swaziland was pleased that the wage order and regulations for domestic workers setting the minimum conditions for their employment had come into force in 2014. Swaziland also welcomed the emphasis given by Namibia to children's rights and welfare.

38. Sweden welcomed the passing of the Child Care and Protection Act, which included provisions aimed at safeguarding children in prisons. Sweden stated that the implementation of the legislation was of vital importance.

39. The delegation of Namibia stated that the second National Conference on Gender-Based Violence, held in July 2014, had examined underlying causes and trends, national responses and approaches with respect to combating gender-based violence. Recommendations adopted by the Conference had been approved by the Cabinet. The Criminal Procedure Act (Act No. 51 of 1977) as amended made provision for support for vulnerable witnesses; social workers in the Ministry of Gender Equality and Child Welfare also provided support for vulnerable witnesses. Several multimedia public awareness campaigns had been launched. Fifteen specialized women and child protection units had been established to protect and provide services to survivors of gender-based violence. The Gender-Based Violence and Human Rights Cluster, one of six clusters of the coordination mechanism for the implementation of the National Gender Policy, advised the Government on strategies for eradicating gender-based violence.

40. One of the seven themes of the National Human Rights Action Plan was the right not to be discriminated against. The specific objectives under that theme included enhancing affirmation of the rights of people with disabilities, indigenous people, women, and lesbian, gay, bisexual, transgender and intersex persons; having information on the extent to which human rights of people with disabilities, indigenous people, women, and lesbian, gay, bisexual, transgender and intersex persons were infringed; intensifying education and raising awareness; and implementing the legal and regulatory reform that would give effect to the non-discriminatory provisions in various international and regional instruments. New legislation would be adopted to prohibit discrimination.

41. The delegation stated that lesbian, gay, bisexual, transgender and intersex persons persons were not victimized or persecuted for practising their preferred sexual orientation. Article 13 of the Constitution protected the right to privacy. No person was requested to disclose his or her preferred sexual orientation in any official government form or document and no person could be refused access to public or private services on the basis of their sexual preference. The laws did not make provision for marriage between adults of the same sex.

42. In view of the colonial history of the country, during which the policies and laws of the colonial occupying Power had been systematically aimed at disadvantaging the majority black population, the framers of the Constitution saw fit to attempt to correct some of the wrongs of the past. To that end, Parliament had been empowered by the Constitution to promulgate affirmative action legislation aimed at achieving a balanced structuring of the public service, including the police, the defence forces and the prison service. The Government had passed the Affirmative Action (Employment) Act (Act No. 29 of 1998), which included measures for achieving equal opportunity in employment for racially disadvantaged persons, women and persons with disabilities. The Public Service Commission had also been pursuing an affirmative action programme. Racial discrimination by the Government and its agencies and by private persons or institutions had been prohibited and was criminalized by the Racial Discrimination Prohibition Act (Act No. 26 of 1991).

43. The delegation stated that Namibia was a party to the core international and regional human rights instruments. The remaining instruments, to which Namibia was not yet a party, would be continuously studied in order to assess the country's ability to comply with the obligations that they would impose. Namibia followed a monist approach to the recognition of international instruments and the rules of international law in its domestic legal system. A thorough study of international instruments was being conducted to ensure that national laws were harmonized in order to comply with the provisions of those instruments before they were signed, ratified or acceded to. Namibia had no intention of condoning the violation of the rights of migrant workers and their families and they were already protected under domestic labour laws.

44. The former Yugosla[illegible]epublic of Macedonia welcomed the adoption of the National Human Rights Action Plan 2015-2019, but noted that, according to United Nations bodies, it would be necessary to intensify reforms, particularly in regard to the rights of the child.

45. Togo congratulated Namibia on the progress made since the first universal periodic review and on creating various mechanisms for human rights protection, and noted that women enjoyed the same rights as men in regard to land as property.

46. Trinidad and Tobago commended Namibia for the launch of the National Human Rights Action Plan 2015-2019 and for its efforts since the first review to increase the capacity of the Office of the Ombudsman.

47. Turkey welcomed the creation of the Interministerial Committee on Human Rights and Humanitarian Law, and the efforts of Namibia in the area of media freedom and independence and in the fight against child abuse.

48. Uganda commended the adoption of the National Human Rights Action Plan 2015-2019, the establishment of the Interministerial Committee and the appointment of a minister for marginalized communities.

49. Ukraine welcomed the positive changes that had been made to the national legislation with a view to promoting and protecting children's rights. However, it noted that

violence against children, poor standards of health facilities and health disparities in rural areas remained serious challenges.

50. The United Kingdom of Great Britain and Northern Ireland noted the high prevalence of violence against women. It was concerned at customary practices that impeded the promotion of gender equality. It encouraged the repeal of laws that made same-sex relationships illegal.

51. The United Republic of Tanzania was impressed with the achievements in tackling poverty in line with Vision 2030. It commended Namibia for its commitment to empowering women with knowledge and skills. It encouraged Namibia to continue with land reform and resettlement programmes.

52. The United States of America noted the prevalence of gender-based violence and of violence against children. It urged the adoption of implementing regulations to enforce the Child Care and Protection Act.

53. Uruguay noted the high number of reports submitted to treaty bodies for review and encouraged Namibia to follow up on the recommendations received from those bodies. It also noted the progress made in regard to the wages of domestic workers and access to drinking water.

54. Uzbekistan stated that steps had been taken to strengthen the normative and institutional basis for the protection of human rights, which included the National Human Rights Action Plan, the National Gender Policy, and the establishment of the office of the Media Ombudsman.

55. The Bolivarian Republic of Venezuela welcomed the significant social investment that had been made in education, and the building of 90 new primary health-care clinics, 45 medical centres and 4 hospitals.

56. Zambia noted that 40 recommendations from the previous review had been fully implemented in 2015, which had resulted, inter alia, in the establishment of a human rights department within the Namibian Police Force.

57. Zimbabwe commended Namibia for implementing 40 recommendations from its first review. It noted the National Gender Policy and the initiatives taken to promote the rights of indigenous peoples.

58. Afghanistan appreciated the dedication that Namibia had shown to protecting children's rights and eliminating all forms of gender-based violence, as well as the measures that the country had taken to comply with its international human rights obligations.

59. Algeria welcomed the National Human Rights Action Plan 2015-2019, as well as the efforts in regard to the administration of the penitentiary system, poverty reduction, and access to education, health care and safe drinking water.

60. Angola noted the progress that Namibia had made, particularly the adoption of legislation to guarantee equality to men and women and to prohibit discrimination. It welcomed legislation regarding the salaries of domestic workers.

61. Argentina congratulated Namibia on the launching of the National Human Rights Action Plan 2015-2019 and noted the efforts to combat gender-based violence and discrimination suffered by women and girls.

62. The delegation of Namibia stated that Namibia had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that consultations were under way to ratify its Optional Protocol. Plans were also under way to take legislative and other measures to criminalize torture and establish a national preventive

mechanism. In the absence of a national preventive mechanism, the Ombudsman visited prisons and places of detention to receive complaints from inmates and to inspected the facilities. The Correctional Service Act (Act No. 9 of 2012) provided for visiting justices to visit correctional facilities.

63. The Namibian Correctional Service provided a health-care services section at each of the bigger correctional facilities and nursing services at each of the smaller facilities. Inmates were treated on the premises and serious cases were referred to State health facilities. All HIV-positive inmates had access to free antiretroviral treatment. All inmates had access to hygiene products and received three meals a day, while those with "lifestyle diseases" such as HIV and AIDS received a special diet, as stipulated in the Correctional Service menu. Several measures to improve the standards of living in correctional facilities were being implemented. A new law, the Correctional Service Act (Act No. 9 of 2012) and its regulations had come into force, which had repealed the Prisons Act (Act No. 17 of 1998). The Inmate Information Handbook allowed inmates to lodge complaints with the correctional authorities or with the Namibian Police Force. A code of conduct had been issued by the Office of the Commissioner-General in 2008 and had been revised in 2014.

64. After the National Land Conference of 1991, two approaches to land reform had been adopted, with the aim of acquiring and redistributing commercial agricultural land to redress past imbalances in land ownership. The Government had aquired land from commercial farm owners through the willing seller willing buyer and the expropriation principles and through tenure reform in the communal areas to ensure tenure security via the registration of communal land rights. This had resulted in the adoption of policies including the National Resettlement Policy of 2001 and the Communal Land Reform Act (Act No. 5 of 2002). Land reform had contributed to the reduction of poverty. It had given target groups an opportunity to produce their own food with a view to self-sufficiency. It created employment through farming and related activities and brought smallholder farmers into the mainstream economy via their participation in an open market economy. It had also allowed previously disadvantaged groups to have subsidized loans to buy commercial farms.

65. The delegation stated that the Cabinet had directed that specific legislation to combat trafficking in persons should be drafted and be tabled before Parliament as soon as possible. It was anticipated that the bill would be tabled in Parliament in 2016. In the meantime, there was a provision criminalizing this offence under the Prevention of Organized Crime Act (Act No. 29 of 2004).

66. Steady progress had been made in combating and eliminating child labour through an action programme developed in 2011. A technical cooperation programme on elimination of child labour in the country had also been produced. The Directorate of Labour Inspectors in the Ministry of Labour and Social Welfare had conducted periodic inspections on farms and at other places of employment in order to identify cases of child labour. The Labour Act (Act No. 11 of 2007) had statutory provisions in place to regulate child labour. The Child Care and Protection Act had been passed by Parliament in 2015 and would be implemented once the relevant regulations had been passed.

67. The delegation stated that Namibia recognized the need to raise the age of criminal responsibility of children and bring it into line with international standards. The Child Justice Bill, along with other provisions, would set the minimum age of criminal capacity for children in compliance with international standards.

68. Australia appreciated the leadership that Namibia had shown in advocating for the abolition of the death penalty, particularly through universal periodic review recommendations. It remained concerned that traditional laws and customary practices that were harmful to girls and women persisted.

69. Austria acknowledged the sustained engagement of Namibia with the universal periodic review. It asked about the steps envisaged, as had been announced in 2015, to ensure that women in customary marriages enjoyed rights equal to those of women in civil marriages.

70. Bangladesh appreciated the efforts made to promote and protect human rights and noted the progress that had been made in the areas of health, education and poverty reduction.

71. Benin welcomed the efforts made by Namibia, notably the National Human Rights Action Plan 2015-2019, the adoption of a public policy in favour of equality, and a project on human rights education.

72. Botswana remained concerned about reports of a high prevalence of violence against girls and women, the lack of special detention facilities for children, and the minimum age of criminal responsibility being 7 years.

73. Burkina Faso recognized efforts made in the areas of access to justice, human rights training for law enforcement officials, and detention conditions. It considered that Namibia should improve women's access to land and should reduce the maternal mortality rate.

74. Burundi welcomed efforts to reinforce access to justice, the National Human Rights Action Plan, the creation of the Interministerial Committee on Human Rights and Humanitarian Law and the establishment of a human rights department within the Namibian Police Force.

75. Canada commended Namibia for its commitments to set targets for improving human rights promotion and protection, to address violence against women and to protect children, through various action plans and bills.

76. Chad welcomed the efforts by Namibia to honour commitments made during the 2011 review. It noted that Namibia cooperated with the treaty bodies and had responded positively to requests for visits by special procedures.

77. Chile welcomed progress to combat gender-based violence and violence against children. It noted positive steps towards the respect and guarantee of human rights.

78. China recognized the efforts made to combat poverty and underdevelopment, as well as the progress made with regard to gender equality and increasing the living standards of its population by granting access to water, education and health care.

79. The Congo encouraged Namibia to pursue efforts for the integration of marginalized children into the education system, for the prevention and care of pregnancies in the school system, and for addressing gender-based and sexual violence.

80. Costa Rica valued the efforts to improve access to justice, to investigate human rights violations and to improve the political representation of women. It shared the concerns of the Committee on the Rights of the Child regarding the trafficking in children.

81. Côte d'Ivoire welcomed the adoption of various legislative measures, such as the adoption of a national policy and plan of action on gender equality.

82. Cuba appreciated the efforts to combat poverty, such as the programmes for land distribution, housing and safe drinking water. It noted actions taken to eliminate all forms of gender-based violence and to protect children.

83. The Czech Republic appreciated the responses to its advance questions. It requested more information about the reported intention of Namibia to withdraw from the International Criminal Court.

84. The Democratic People's Republic of Korea appreciated the commitment, the consistent efforts and the achievements in protecting and promoting human rights.

85. The Democratic Republic of the Congo invited Namibia to ratify the human rights conventions to which it had agreed to accede in its first universal periodic review.

86. Denmark welcomed the acceptance by Namibia of recommendations to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during its first universal periodic review, and expressed the hope that concrete steps were being taken to honour that commitment.

87. Djibouti commended Namibia on its adoption in 2015 of the Child Care and Protection Act.

88. Ecuador highlighted the measures taken by Namibia to combat poverty and inequality, among them the plan entitled Vision 2030.

89. Egypt applauded the efforts made by Namibia in the area of economic and social rights and called on the country to continue that progress.

90. Estonia called on Namibia to issue a standing invitation to the special procedure mandate holders, to decriminalize defamation and to adopt all-encompassing freedom-of-information legislation.

91. Ethiopia commended Namibia on the adoption of the National Human Rights Action Plan 2015-2019.

92. Fiji welcomed the steps taken to provide accessible education to all, but noted that for some minority groups, education was still costly.

93. France requested to know about measures that would be taken, if any, to address the problems of abandonment of newborn babies and maternal mortality, in the light of the prohibition on abortion.

94. Gabon welcomed the establishment of the Interministerial Committee on Human Rights and Humanitarian Law.

95. Georgia encouraged Namibia to submit a mid-term report on the implementation of universal periodic review recommendations, as it had done for the first cycle.

96. Germany noted that gender-based violence remained a serious concern, although Namibia was committed to combating violence against women and children.

97. Ghana appreciated steps taken by Namibia to upgrade and improve conditions of detention and welcomed the adoption of the first National Human Rights Action Plan.

98. Haiti thanked Namibia for its inclusive and comprehensive national report.

99. Honduras commended Namibia for the adoption of the National Gender Policy and its plan of action, the Child Care and Protection Act and national plans on education.

100. Iceland noted with concern the criminalization of sexual activity between consenting adults of the same sex.

101. India requested that Namibia share more details about the challenges being faced in implementing Vision 2030, which was focused on improving the quality of life of Namibians.

102. Indonesia stated that measures could be taken to prevent the exploitation of migrant workers.

103. Iraq made a recommendation.

104. Kenya commended Namibia for the strengthening of the Office of the Ombudsman and for efforts to provide free legal aid.

105. The delegation of Namibia stated that it had put in place several measures to reduce poverty, with a view to eventually eradicating it. At a national conference on wealth redistribution and poverty eradication, held on 26 October 2015, the President declared that the first step in the fight against poverty was the recognition that all Namibians deserve a dignified life. A dignified life, as articulated by the President, included decent employment, shelter, water, sanitation, education and access to health care.

106. Research by the World Bank had shown that the Namibian budget was indeed pro-poor. That was not only because of the generous social grants, but also because of the tax system, which was progressive in nature. The delegation stated that the Government would introduce a solidarity tax in the next budget through which it would call on every Namibian earning an income above a certain threshold to make a contribution towards a fund that would be earmarked for poverty eradication activities. Another form of solidarity tax under consideration would be to entice owners of companies to dilute the shareholding to include workers, thereby redistributing more of the company's income downwards, instead of upwards as is the case when shareholding is concentrated in the hands of a few.

107. Food banks would be established to bring hunger to a halt, especially in urban areas, where there was no access to productive land. It was the pledge of the Government that no child should go hungry "in the Namibian House". Namibia could eradicate poverty by 2025, beating the global deadline of 2030.

108. A recommendation on extending a standing invitation to special procedure mandate holders had not been supported during the first review because of the preference of the Government to decide if and when such invitations should be extended. Namibia attached great importance to the work of the special procedure mandate holders, and three mandate holders had visited the country since the last review. Namibia was willing to consider extending an invitation to any mandate holder and would render its usual support and cooperation to the mandate holders concerned.

109. Legislation had been enacted to ensure consultation with, and the participation of, indigenous peoples in decision-making processes relating to traditional sites and objects. In that context, the delegation referred to the Traditional Authorities Act (Act No. 25 of 2000), the Communal Land Reform Act (Act No. 5 of 200), the Forest Act (Act No. 12 of 2001), the Environmental Management Act (Act No. 7 of 2007) and the National Heritage Act (Act No. 27 of 2004).

110. In response to questions and recommendations on access to health care, on excessive fees and on legal abortions, the delegation stated that both the public and private sectors funded the health-care system. The public system provided services to the majority of the population and was predominantly funded through general taxation, while the private health-care system, which provided either comprehensive or partial health-care coverage, was funded largely through employee and employer contributions. Namibia was close to meeting its per capita spending goal on health, reaching 14.3 per cent in 2008/09, just short of the 15 per cent target set in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases of 2001 All Namibians, without discrimination, had access to health facilities across the country and there was no government policy authorizing any official at any of those facilities to refuse anyone medical care, even when the person concerned was unable to pay the minimal fee imposed. Senior citizens had access to all public health-care facilities free of charge.

111. The delegation stated that Namibia was a product of the international community and would continue to cooperate with the international community. Namibia was subject to the resolution passed by the African Union in 2013 regarding the International Criminal

Court and would express its position under the auspices of the African Union. Namibia intended to work with the African Union to find an amicable solution to this issue.

112. The Lao People's Democratic Republic noted the progress made in promoting freedom of expression, improving education, improving access to health-care services and reducing poverty.

113. Latvia welcomed measures to address poverty, provide clean water, increase the number of health facilities and ensure access to education.

114. Lebanon commended Namibia for its National Human Rights Action Plan and for the progress made in terms of education, social policy and health.

115. Lesotho noted the initiatives taken by Namibia for the advancement of human rights in the country.

116. Liechtenstein welcomed the programmes to combat gender-based violence and encouraged Namibia to continue these efforts.

117. Libya welcomed the adoption of new laws in the field of human rights and the efforts made in eradicating poverty.

118. Madagascar welcomed the legislative and institutional efforts made by Namibia, particularly in setting up the Interministerial Human Rights and International Humanitarian Law Committee.

119. Malaysia noted that Namibia had launched its National Human Rights Action Plan 2015-2019. It encouraged Namibia to continue its positive efforts in ameliorating the standard of living of its people.

120. Mauritius noted the creation of a human rights division within the Namibian Police Force. It encouraged Namibia to pursue the implementation of the National Human Rights Action Plan 2015-2019.

121. Mexico welcomed the approval of the Child Care and Protection Act and recognized the measures adopted to eradicate gender violence.

122. Montenegro asked Namibia to elaborate on the level of implementation of the National Sanitation Strategy for the period 2010-2015.

123. Morocco welcomed the role played by the Ombudsman in ensuring that human rights were a part of school curricula.

124. Mozambique noted the fact that Namibia was considering a draft bill that would criminalize torture as a specific offence.

125. Myanmar welcomed measures taken to ensure the right to education for all children and the abolishment of the compulsory parental financial contribution to the School Development Fund.

126. The Netherlands noted the efforts made to combat HIV/AIDS, particularly the progress in preventing mother-to-child transmission and in access to medications. It expressed its willingness to share its experiences in developing a national action plan on business and human rights.

127. Nicaragua highlighted the efforts to eliminate all forms of gender violence and to achieve greater equality between men and women, and encouraged Namibia to continue along this path.

128. The Niger welcomed the National Human Rights Action Plan 2015-2019, and efforts to set up a ministry to address poverty and to promote social protection.

129. Nigeria commended Namibia for introducing poverty reduction programmes, adopting legislation to increase employment, bringing about prison reforms, regulating the wages of domestic workers, and replacing the High Court rules on immovable property.

130. Oman made recommendations.

131. Pakistan stated that the National Human Rights Action Plan 2015-2019, training for police officials, the Electoral Act of 2014, the Employment Service Act of 2011 and the National Gender Policy would further contribute to the protection and promotion of human rights.

132. South Africa was encouraged by the efforts that Namibia had made to provide legal protection for women through its Constitution and legislation, its strides in good governance and its impressive results in regard to primary school enrolment rates.

133. Tunisia noted progress that had been made since the first universal periodic review cycle, particularly the adoption of national plans for children and for gender equality, and the creation of Ombudsman's offices to deal with issues related to the media and to children.

134. Brazil noted, as a good precedent for the follow-up to the recommendations, the elaboration of the national report by an interministerial committee, in dialogue with civil society. It suggested the integration of recommendations into domestic laws and policies.

135. The delegation of Namibia stated that Namibia had no national legislation directly related to indigenous peoples and that the term "marginalized people" was used. One of resolutions of the National Land Conference of 1991 had been that the land rights of disadvantaged communities should receive special protection, with the San and other marginalized communities receiving specific mention. The National Resettlement Policy of 2001 identified the San as a specific target group for resettlement, which was given conditional rights in terms of hunting concessions.

136. The delegation of Namibia thanked all the other delegations for their participation in the review. Their valuable input, comments and recommendations served as guidance for bettering the lives of the people of Namibia.

II. Conclusions and/or recommendations**

137. **The following recommendations will be examined by Namibia, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council, in June 2016:**

137.1 **Consider ratifying the outstanding international human rights instruments and further update their national laws to be in line with those treaties (Lesotho);**

137.2 **Accelerate the process for the ratification of international human rights instruments to which it is not yet a party (Benin);**[1]

137.3 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines);**

** The conclusions and recommendations have not been edited.

[1] The recommendation made during the interactive dialogue was "Accelerate the process for the ratification of international human rights instruments to which it is a party (Benin)".

137.4 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Madagascar);

137.5 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Niger);

137.6 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Senegal);

137.7 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey);

137.8 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);

137.9 Consider adhering to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Côte d'Ivoire);

137.10 Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);

137.11 Consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);

137.12 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);

137.13 Accede to the international instruments to which it is not a party (Congo);

137.14 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);

137.15 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);

137.16 Ratify the Convention against Torture and the optional protocol thereto (Portugal);

137.17 That the necessary measures to ratify the Optional Protocol to the Convention against Torture be adopted, in conformity with the commitments made by Namibia during the first universal periodic review cycle (Chile);

137.18 Ratify the Optional Protocol to the Convention against Torture, as previously recommended (Mauritius);

137.19 Ratify the Optional Protocol to the Convention against Torture (Senegal);

137.20 Take measures towards the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia);

137.21 Ratify the Optional Protocol to the Convention against Torture (Honduras);

137.22 Ratify the Optional Protocol to the Convention against Torture (Tunisia);

137.23 Ratify the Optional Protocol to the Convention against Torture (Sweden);

137.24 Ratify the Optional Protocol to the Convention against Torture (Congo);

137.25 Ratify the Optional Protocol to the Convention against Torture (Estonia);

137.26 Ratify the Optional Protocol to the Convention against Torture (Lebanon);

137.27 Ratify the Optional Protocol to the Convention against Torture (The former Yugoslav Republic of Macedonia);

137.28 Intensify its efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);

137.29 Accede to the Optional Protocol to the Convention against Torture (France);

137.30 Ratify the Optional Protocol to the Convention against Torture and ensure a timely establishment of an effective national preventive mechanism (Czech Republic);

137.31 Ratify the UNESCO Convention on discrimination in education (Tunisia);

137.32 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Tunisia);

137.33 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Congo);

137.34 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Togo);

137.35 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Madagascar);

137.36 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Ghana);

137.37 Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (France);

137.38 Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Oman);

137.39 Adhere to the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);

137.40 Adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay);

137.41 Ratify the International Covenant on Economic, Social and Cultural Rights (Madagascar);

137.42 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Montenegro);

137.43 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt in to the inquiry and inter-state procedures (Slovakia);

137.44 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Montenegro);

137.45 Consider the ratification of the 1961 Convention on the Reduction of Statelessness (Côte d'Ivoire);

137.46 Ratify the ILO Convention 189 (Philippines);

137.47 Ratify the Rome Statute of the ICC (Latvia);

137.48 Ratify the Kampala amendments to the Rome Statute of the ICC (Estonia);

137.49 Ratify the Kampala amendments to the Rome Statute with a view to contributing to the activation of the jurisdiction of the International Criminal Court over the crime of aggression in 2017 (Liechtenstein);

137.50 Reconsider the country's position on a possible withdrawal as a State Party to the ICC Rome Statute (Austria);

137.51 Incorporate into the Constitution and the national legislation the right to enjoy the highest standards possible of mental and physical health (Egypt);

137.52 Update the constitutional provisions regarding the definition of a child to be in harmony with the overall definition in the Convention on the Rights of the Child (Kenya);

137.53 Expedite the adoption of pending bills such as the Child Care and Protection Act, with a view to ensuring better protection for children against all types of violence and abuses (Republic of Korea);

137.54 Take all necessary measures to effectively implement the Child Care and Protection Act (Slovenia);

137.55 Ensure effective implementation and enforcement of the Child care and Protection Act (United States of America);

137.56 Align the provisions of the nationality law with international human rights standards so as to enable children born in the territory of Namibia whose parents are unknown to acquire nationality of Namibia (Kenya);

137.57 Abolish laws and practices discriminating against women and girls (Panama);

137.58 Abolish all harmful and discriminatory customary laws and practices which are directed towards women and girls (Australia);

137.59 Take measures to review all relevant legislation with a view to end discrimination against women and girls (Slovakia);

137.60 Expedite the enactment of existing Bills that would impact on the enjoyment of women's rights (Sierra Leone);

137.61 Step up efforts to eliminate discrimination against women and girls in law and in practice also by adopting the pending Bills that have impact on the enjoyment of women's rights related to marriage, recognition of customary

marriage, procurement, marital property, divorce and intestate succession (Slovenia);

137.62 **Adopt, as soon as possible, the draft laws that promote the rights of women in marriage, marital property and divorce (Uruguay);**

137.63 **Consider revising the Married Persons Equality Act of 1996 in a way that eliminates discriminatory provisions against women, including those affecting marriage, land ownership and inheritance rights (Republic of Korea);**

137.64 **Strengthen legislation to prohibit torture and ill-treatment as well strengthen legislation against human trafficking (Zambia);**

137.65 **Expedite the process for drafting and adopting legislation on the punishment of torture (Burundi);**

137.66 **Review civil laws with the view of putting an end to discrimination against women and girls, in particular rights related to marriage and land property (Turkey);**

137.67 **That legislative measures be adopted to make it possible to harmonize the domestic legal system with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, promulgating legislative initiatives in process, aimed at ensuring equal legal status of men and women (Chile);**

137.68 **Abolish all discriminatory customary laws and practices that violate the rights of women, in accordance with international obligations under the Convention on the Elimination of All Forms of Discrimination against Women (Iceland);**

137.69 **Establish legislative measures to decriminalize sexual relations among adults of the same sex (Spain);**

137.70 **Repeal provisions criminalizing sexual relations between consenting adults of the same sex, to respect the principles of equality and non-discrimination among all people (France);**

137.71 **Bring its legislation into conformity with its international human rights obligations by repealing laws that criminalize sexual activity between consenting adults of the same sex (Iceland);**

137.72 **Bring its law in conformity with its international human rights obligations by repealing all laws which result in, or are likely to result in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity (Netherlands);**

137.73 **Adopt the necessary measures aiming at eliminating the normative provisions which criminalize and discriminate against LGBTI persons (Argentina);**

137.74 **Continue to strengthen their national legislation into line with international human rights instruments to which it is a party (Nicaragua);**

137.75 **Implement the Rome Statute of the International Criminal Court including through adopting appropriate national legislation, so as to ensure full cooperation with the ICC and effective investigation and prosecution of genocide, crimes against humanity and war crimes before its national courts (Czech Republic);**

137.76 Continue its efforts in drafting the Human Trafficking Legislation, with the active participation of the civil society (Indonesia);

137.77 Elaborate and enact the anti-trafficking legislation in line with international norms and standards (Ukraine);

137.78 Continue to strengthen its human rights institutions and develop additional measures to ensure the effective implementation of their mandate (Lesotho);

137.79 Create a national governmental independent mechanism in charge of the supervision of human rights policies (Morocco);

137.80 Strengthen the capacities of the Ombudsman office (Haiti);

137.81 Strengthen existing mechanisms within its institutional infrastructure to eradicate discriminatory, cultural or based on customary laws, practices to the detriment of women, children, minorities and LGBT groups (Honduras);

137.82 Continue to implement the National Human Rights Action Plan 2015-2019 (Pakistan);

137.83 Adopt and implement a national action plan on gender-based violence with the support from all sectors within the society, including the judiciary (Sweden);

137.84 Adopt and develop a comprehensive national action plan that addresses traditional harmful practices and gender-based violence against women and girls (Botswana);

137.85 Adopt a National Action Plan to implement the UN Guiding Principles on Business and Human Rights (Netherlands);

137.86 Develop an instrument to monitor the implementation and verification of the recommendations from the previous and current universal periodic reviews, paying special attention to the ratification of international human rights instruments which are pending, including the Optional Protocol to the Convention against Torture (Costa Rica);

137.87 Launch a comprehensive national policy to universalize the right to civil registration, considering its pivotal role to ensure the realization of other human rights, including to an adequate standard of living (Brazil);

137.88 Further strengthen its successful land reform and resettlement program, which grants land to historically disadvantaged groups (Bolivarian Republic of Venezuela);

137.89 Continue implementing its agrarian reform policy and resettlement program by giving land to groups who have been historically disadvantaged (Cuba);

137.90 Pursue its land reform and resettlement program in order to enable underprivileged persons to have access to land, given that the right to land is a fundamental human right (Angola);

137.91 Continue Government's efforts with its land reform and resettlement programme, both at the rural and urban level (South Africa);

137.92 Implement effectively the Green Scheme, the San Development, Land distribution, the Mass Housing Programme, Water Supply and Sanitation, Safe

drinking water, and Equipment Aid Scheme to SMEs (Democratic People's Republic of Korea);

137.93 **Maintain efforts to protect the rights of vulnerable groups, considering their specific needs and capabilities, through the empowerment of their rights, and fair reparation mechanisms (Ecuador);**

137.94 **Continue its efforts to promote human rights in all spheres, in particular in regard to protecting the victims of violence (Iraq);**

137.95 **Step up human rights education for traditional authorities (Costa Rica);**

137.96 **Implement awareness-raising campaigns to educate individuals and traditional authorities on the violation of rights by harmful and discriminatory customary laws and practices, in particular on the need to ensure that these do not violate the rights of women and children (Latvia);**

137.97 **Strengthen efforts on youth development and empowerment (South Africa);**

137.98 **Strengthen its cooperation with treaty bodies (Niger);**

137.99 **Submit overdue reports to the relevant treaty bodies (Sierra Leone);**

137.100 **Make effort to submit outstanding human rights reports to relevant bodies (Ethiopia);**

137.101 **Extend a standing invitation to the Special Procedures of the Human Rights Council (Turkey);**

137.102 **In the spirit of ongoing cooperation between the United Nations and Namibia, extend an open and standing invitation to the United Nations special procedures (Chile);**

137.103 **While acknowledging the efforts to cooperate with special procedures, consider issuing a standing invitation to the special procedures mandate holders (Georgia);**

137.104 **Extend a standing invitation to all special procedure mandate holders of the Human Rights Council (Germany);**

137.105 **Extend a standing invitation to the Special Procedures of the Human Rights Council (Panama);**

137.106 **Extend a standing invitation to the Special Procedures of the Human Rights Council (Portugal);**

137.107 **Extend a standing invitation to all Special Procedure mandate holders (Latvia);**

137.108 **Continue to take steps in order to ensure the full equality between men and women and to combat all forms of discrimination against women (Romania);**

137.109 **Continue to promote equality between men and women in the application of their national legislation and the implementation of public policies (Nicaragua);**

137.110 **Continue to promote the empowerment of women and their participation in society (Nicaragua);**

137.111 Take all necessary measures to eliminate discrimination against women and girls, particularly in relation to marriage, land ownership and inheritance rights (Mexico);

137.112 Double efforts towards gender equality and the empowerment of women through education and skills training (Malaysia);

137.113 Remove existing barriers to the full participation of women in economic life so as to further reduce poverty and inequality (Germany);

137.114 Work to eliminate traditional practices and repeal laws detrimental to women and girls (Haiti);

137.115 Make further efforts to end discrimination, domestic violence and violence in schools against women (Oman);

137.116 Continue to pay close attention to the full realization of the rights of women and girls (Portugal);

137.117 Intensify efforts aimed at accelerating the elimination of discrimination against women and promoting gender equality, including through the development of the proposed national database on gender-based violence (State of Palestine);

137.118 Implement awareness-raising campaigns and education programs, working closely with traditional authorities, to promote and protect the rights of women and girls (Australia);

137.119 Implement policies dealing with the stigma and discrimination against people living with HIV/AIDS (South Africa);

137.120 Ensure the issuance of birth registration documents for all children born on its territory (Romania);

137.121 Expedite efforts to ensure that a birth certificate is issued free of charge for all children without discrimination, including children born in rural and poor areas (Turkey);

137.122 Ensure the registration of all new born as a way to generate reliable statistics and data (Mexico);

137.123 Continue to encourage the immediate registration of newly born children, and introduce mechanisms to ensure that the absence of a parent does not prevent the registration of the child concerned (Uruguay);

137.124 Raise the minimum age of criminal responsibility in accordance with general comment No. 10 (2007) of the Committee on the Rights of the Child (Uruguay);

137.125 Develop a comprehensive national strategy to prevent all forms of violence against children, with particular attention to its gender dimension (Ukraine);

137.126 Fully implement and enforce laws on elimination of violence against children (Ukraine);

137.127 Continue to promote the rights of children by fighting effectively against corporal punishment (Djibouti);

137.128 Prohibit all corporal punishment of children, including in the home (Estonia);

137.129 Prohibit corporal punishment of children in all settings (Tunisia);

137.130 Improve mechanisms of legal and social protection of children against sexual violence (Lao People's Democratic Republic);

137.131 Take further steps to eliminate harmful practices, and to abolish child, early and forced marriages (Sierra Leone);

137.132 Continue to take steps to ensure the full and effective implementation of its Child Care and Protection Act to guard against all forms of child abuse (Singapore);

137.133 Explicitly prohibit traditional practices that put at risk the physical and psychological integrity of women and girls (Argentina);

137.134 Strengthen measures aimed at eliminating all forms of gender-based violence (Zambia);

137.135 Continue efforts to combating customary practices which tolerate gender-based violence and discrimination against women (Algeria);

137.136 Step up its efforts in eliminating all forms of violence against women and girls and in that context improve the national legislation in accordance with relevant international human rights standards (The former Yugoslav Republic of Macedonia);

137.137 Take measures to prevent all incidents of violence against women, in particular in rural areas; and ensure effective interventions by law enforcement officials responding to allegations of violence committed by intimate partners; and prosecute perpetrators (Canada);

137.138 Strengthen the legal framework to prevent and combat violence against women and domestic violence (Serbia);

137.139 Ensure that all cases of violence against women and girls are investigated and that perpetrators are brought to justice (Slovenia);

137.140 Ensure appropriate protection is offered to the victims of gender-based violence including enabling them to seek police assistance, leading to prosecution of the perpetrators as appropriate (United Kingdom of Great Britain and Northern Ireland);

137.141 Allocate the resources necessary for the full implementation of the Zero Tolerance Campaign against Gender Based Violence (Canada);

137.142 An effective implementation of the combating of the domestic violence act to reduce gender-based violence (China);

137.143 Increase efforts to fight against gender violence by fully implementing the "National Gender Policy" and the national action plan against gender violence 2012-2016, and by ensuring that perpetrators are brought to justice (France);

137.144 Effectively implement the Zero Tolerance Campaign and key interventions of the National Human Rights Action Plan 2015 with regard to gender-based violence (Germany);

137.145 Continue its efforts to combat violence against women and children at the national level, as previously recommended (Germany);

137.146 Redouble efforts in addressing gender-based violence, with the support of the international community (Mozambique);

137.147 Strengthen collaboration with the relevant stakeholders to address the causes of gender-based violence (Singapore);

137.148 Adopt further measures to combat violence and sexual abuse against girls and women, as well as violence and discrimination based on sexual orientation (Brazil);

137.149 Take all relevant measures to fight against sexual violence and bring perpetrators to justice (Togo);

137.150 Enforce legislation to prevent sexual violence and sexual exploitation (Uzbekistan);

137.151 Allocate adequate funding and provide necessary human resources to fully implement policies and programmes aimed at eradicating all forms of gender-based violence (Philippines);

137.152 Redouble its efforts to enforce the relevant legislation such as the Combating of Rape Act to eliminate all forms of gender-based violence, and continue the ongoing efforts to address the root causes and contributing factors of the violence (Republic of Korea);

137.153 Take steps to improve prison conditions and, particularly, ensure that adults and minor prisoners are separated at all times (Australia);

137.154 Ensure that minors are protected in prison, including by separating them from adults (Djibouti);

137.155 Adopt provisions to ensure that detained children are always held separately from adults (Sweden);

137.156 Take measures to ensure that children are housed in separate facilities from adults in cases of detention (Trinidad and Tobago);

137.157 Ensure all juvenile offenders are housed separately from adult prisoners in Correctional Facilities (United Kingdom of Great Britain and Northern Ireland);

137.158 Take additional measures to address issues of overcrowding in its prisons in compliance with international standards (Ghana);

137.159 Improve health, sanitation and habitability conditions in prisons, including a decrease in overcrowding (Spain);

137.160 Combat and address the worst forms of child labour by punishing offenders and by conducting research on the prevalence of child labour (United States of America);

137.161 Take all measures to eradicate child labour, particularly in the informal sector and rural areas (Uzbekistan);

137.162 Intensify its efforts in the area of prevention and fight against trafficking in particular girls and children in situation of vulnerability (Honduras);

137.163 Continue efforts in the prevention of human trafficking, with special attention to investigation and prosecution of all cases of sale and trafficking of children (Serbia);

137.164 Strive to reduce the timelines before the Courts and to expedite rulings (China);

137.165 Provide resources to introduce case management systems in both criminal and civil court registries to clear the backlog of cases and set out the times lines for the disposal of cases in accordance with the rights of every person to trial and justice within a reasonable time (Fiji);

137.166 Ensure that Namibia's juvenile justice system is in line with international standards (Botswana);

137.167 Raise the age of criminal responsibility so that it complies with international standards, create an effective juvenile justice system and provide separate detention and prison facilities for juvenile offenders and appropriate training for personnel working in the juvenile justice system (Czech Republic);

137.168 Ensure that members of the security forces responsible for violations of human rights are brought to justice, and improve prison conditions (France);

137.169 Consider establishing legal assistance offices in order to assist those who cannot afford the services of a private lawyer (Haiti);

137.170 Ensure that women — in particular women pursuing divorce or having experienced gender-based violence — have effective access to justice in all parts of the country (Liechtenstein);

137.171 Establish a prosecution mechanism for perpetrators of violence against women and girls (Turkey);

137.172 Ensure that all cases of violence against women and girls are thoroughly and effectively investigated and that perpetrators are prosecuted ex officio and adequately punished (Liechtenstein);

137.173 Continue efforts to strengthen the capacity and compatibility between the investigation and prosecution of cases (South Sudan);

137.174 Establish mobile courts especially in the rural areas (Uganda);

137.175 Establish a mechanism under which victims of gender-based violence can file for protection orders in towns and villages where there is no magistrate, and under which protection orders can be filed outside of designated court hours (United States of America);

137.176 Regarding the "Caprivi" trial provide adequate compensation for the 35 persons acquitted who had spent long periods in remand detention (Austria);

137.177 Continue to support the family which is one of the main actors in achieving sustainable development goals in any state (Russian Federation);

137.178 Continue its work in upholding family as the basic social institution and in the protection of its rights (Bangladesh);

137.179 Enhance the law on the freedom of the media and promulgate laws on the freedom of expression (Lebanon);

137.180 Continue the practice of holding public meetings with senior authorities in the country, so that persons from the communities can have access to higher authorities and participate in the process of seeking solutions and decision-making (Cuba);

137.181 Enhance the participation of grass-roots people in decision-making processes regarding their welfare (Zimbabwe);

137.182 Increase poverty reduction and development policies that promote the participation of vulnerable groups in decisions regarding their rights and interests (Mexico);

137.183 Make progress in the effective realization of human rights to safe drinking water and sanitation through increasing the public water infrastructures, particularly in rural areas and in informal urban settlements, through the adequate training and awareness-raising on sanitation of the local communities who benefit from these services (Spain);

137.184 Ensure access to clean water supply and proper sanitation (Malaysia);

137.185 Continue to undertake measures to eliminate poverty and combat unemployment (Sri Lanka);

137.186 Strengthen the mechanism to fight against poverty, especially encouraging programmes aimed at child malnutrition (Turkey);

137.187 Accelerate ongoing efforts to address the root causes of poverty and hunger so as to uplift the living standards of the poor (Zimbabwe);

137.188 Continue its efforts towards reducing poverty through continuing setting up programs aimed at this purpose (Libya);

137.189 Further strengthen the successful implementation of the Vision 2030 Strategic Plan, in the fight against poverty (Bolivarian Republic of Venezuela);

137.190 Continue to promote access to health (Pakistan);

137.191 Issue clear directives to health officials to prohibit the sterilization of women living with HIV/AIDS without their informed consent (Canada);

137.192 Implement policies and programmes aimed at preventing HIV/AIDS infections (Oman);

137.193 Intensify the efforts in fighting against HIV/AIDS, in particular, to improve access to health-care services in rural areas (Ukraine);

137.194 Continue to strengthen the appropriate health care provided to women, in particular in rural areas (Egypt);

137.195 Strengthen the capacities of health infrastructures in rural and remote areas (Haiti);

137.196 Ramp up the quality and access to health care and legal services in rural areas (Trinidad and Tobago);

137.197 Mitigate the lack of qualified and experienced healthcare professionals by putting in place a national training strategy in the medical and paramedical branches (Morocco);

137.198 Continue efforts to ensure universal access to quality education and health care (Uzbekistan);

137.199 Continue to further enhance access to education and health services in rural areas (State of Palestine);

137.200 Take the necessary measures to guarantee the right to schooling for all children (Algeria);

137.201 Consolidate efforts made to ensure access to education for all citizens without discrimination (Egypt);

137.202 Continue efforts to achieve universal primary education in line with the vision of the National Plan of "Education for all" (Sri Lanka);

137.203 Continue to develop its National Safe School Framework to provide a safe environment for students to receive a good education that is free from harassment, aggression and bullying (Singapore);

137.204 That Namibia's education policies which were designed for inclusivity, be evaluated by the Government for effectiveness in relation to access and affordability for minority cultural groups (Fiji);

137.205 Ensure equal access to education for all children (Portugal);

137.206 Continue its efforts to ensure the right to education for all people (Myanmar);

137.207 Continue to strengthen the educational system and ensure equal access of disabled children to education (Lao People's Democratic Republic);

137.208 Consider introducing civic and human rights education in the school curriculum (Ethiopia);

137.209 Take the necessary measures aimed at preventing discrimination against children with disabilities, children living in extreme poverty and street children (Oman);

137.210 Take steps to improve the access of persons with disabilities to various services (Trinidad and Tobago);

137.211 Take appropriate measures to ensure the rights of persons with disabilities including through proper infrastructure and facilities that can accommodate their needs in schools and in the workplace (Malaysia);

137.212 Take necessary measures to fight against discrimination against people from minority ethnic communities (France);

137.213 Protect fully the human rights of persons belonging to minorities including their rights to water, sanitation, land, education and health as well as access to all public services in an equal and just manner (Portugal);

137.214 Promote the effective access to basic social services for the indigenous minority including San and Himba on an equal footing with the rest of the society, as well as rapid adoption and effective implementation of the "White Paper on Indigenous Rights" drafted by the Ombudsman Office (Spain);

137.215 Take effective measures to eliminate discrimination against the children of indigenous peoples, in particular the Himba and San communities (Uzbekistan);

137.216 Continue with the projects and programs for the protection of indigenous communities, particularly in the field of education of their children (Bolivarian Republic of Venezuela);

137.217 Continue efforts to improve the access to adequate land by ethnic minority groups who have been deprived of their original lands (Austria);

137.218 Facilitate the access of ethnic minority group children to education for instance by allowing them to attend school in their traditional dress or by providing them with free school uniforms (Austria);

137.219 **Continue enhancing the project and programmes aimed at ensuring the protection and the rights of indigenous communities (Democratic People's Republic of Korea).**

138. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Namibia was headed by Honourable Dr. Albert Kawana, Minister of Justice and composed of the following members:

- H.E. Mrs. Sabine Böhlke-Möller – Ambassador/Permanent Representative of Namibia to the United Nations in Geneva and other International Organizations in Switzerland, Alternate Head of Delegation
- Mr. Jens Prothmann – Deputy Director, Ministry of International Relations and Cooperation, Delegate
- Mr. Simataa Limbo – Chief Legal Office, Ministry of Justice, Delegate
- Mrs. Gladice Pickering – Legal Attaché, Permanent Mission of the Republic of Namibia to the United Nations and Geneva, Delegate
- Mr. Christian Harris – Snr. Legal Officer, Ministry of Justice, Delegate
- Ms. Isabella Rajala – Intern, Permanent Mission of the Republic of Namibia to the United Nations and Geneva, Delegate

United Nations A/HRC/32/5

General Assembly

Distr.: General
12 April 2016
English
Original: English/French

Human Rights Council
Thirty-second session
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Niger

* The annex is being circulated in the languages of submission only.

GE.16-05960 (E) 290416 020516
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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	8
II.	Conclusions and/or recommendations	15
Annex		
	Composition of the delegation	26

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fourth session from 18 to 29 January 2016. The review of Niger was held at the 2nd meeting, on 18 January 2016. The delegation of Niger was headed by Amadou Morou, Minister of Justice. At its 10th meeting, held on 22 January 2016, the Working Group adopted the report on Niger.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Niger: Bangladesh, Plurinational State of Bolivia and Switzerland.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Niger:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/24/NER/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/24/NER/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/24/NER/3).

4. A list of questions prepared in advance by Belgium, Germany, Liechtenstein, Mexico, Norway, Slovenia, Spain, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Niger through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The representative of Niger thanked the Working Group on the Universal Periodic Review for preparing the session and the Office of the United Nations High Commissioner for Human Rights for its commitment to, and day-to-day work in, promoting and protecting human rights around the world. The representative then assured the Human Rights Council of the delegation's full cooperation.

6. The representative recalled that 112 recommendations had been made during the country's first universal periodic review cycle. Niger had drawn up an action plan for implementing those recommendations, which had been validated by all stakeholders in 2012. The plan had been evaluated in a 2014 midterm report which had taken stock of the progress achieved.

7. The national report had been prepared with the support of several partners, including international organizations, the National Human Rights Commission and civil society partners.

8. The recommendations made during the first universal periodic review had been given very careful consideration. Overall, the majority of recommendations had been acted upon.

9. Several pieces of legislation had been enacted with a view to improving the authorities' ability to intervene in all sectors.

10. With regard to democratic governance, Niger had established the institutions of the Republic provided for by the Constitution of 25 November 2010. Furthermore, all those institutions had withstood the internal and external difficulties that Niger had faced, including the latest attempted coup d'état.

11. In addition, the National Human Rights Commission had been established; it now met the criteria for "A" status accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

12. Significant progress had been made since 2011 in promoting transparency and good governance. The main developments in that regard were the establishment of a high authority to combat corruption and related offences and the regular publication of Court of Audit reports.

13. There had also been significant developments in the field of civil and political rights since 2011, including, in particular, the creation of a counter-terrorism institutional framework, composed of a national security council, a counter-terrorist judicial unit and a central counter-terrorism office. Other notable developments in that connection included improved access to justice, the development of press freedom and the strengthening of the legal and institutional framework for combating slavery and trafficking in persons.

14. Regarding access to justice, Niger had adopted a national policy on justice and human rights, together with a 10-year action plan for 2016-2025; it had also carried out several reforms, including the establishment of the National Agency for Legal and Judicial Assistance with a view to ensuring access to justice for vulnerable persons. An office had also been established, together with a helpline, in order to fight corruption and influence peddling in the judiciary.

15. Niger had established a national commission to coordinate the fight against trafficking in persons and a national agency for combating trafficking in persons.

16. During her visit to the country in 2014, the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences had acknowledged the efforts made by Niger to implement the universal periodic review recommendations.

17. With respect to press freedom, press offences had been decriminalized, the capacities of the privately-owned media had been strengthened thanks to an increase in the budget of the press support fund, and the President of the Republic had signed the Declaration of Table Mountain, which sought to abolish the imprisonment of journalists for performing their professional duties.

18. Regarding economic, social and cultural rights, Niger had implemented the 3N Initiative (The people of Niger feed the people of Niger), which had led to the achievement of Millennium Development Goal 1 on reducing malnutrition. Noteworthy measures also included the implementation of a free health-care policy, which had led to an improvement in mother and child health; the 2012 revision of the Labour Code, which had been undertaken with a view to enhancing protection of the right to work; and the creation of a national employment observatory.

19. With regard to the promotion and protection of the rights of specific groups, the representative of Niger referred to the 2014 amendment of the Nationality Act, which sought to eliminate discrimination against women in the transmission of their nationality to foreign husbands; the 2014 amendment which had raised from 10 to 15 per cent the quota for both sexes in elected posts; the establishment of a national gender observatory; the adoption of national policy on the comprehensive development of young children and a

framework document for child protection; the adoption of a national social protection policy; and the creation of councils of older persons.

20. In terms of cooperation with special procedures, Niger had received a visit by the Special Rapporteur on contemporary forms of slavery in November 2014 and was ready to welcome the Special Rapporteur on extreme poverty and human rights.

21. Concerning cooperation with treaty bodies, Niger was continuing its efforts to submit overdue reports. For example, its report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination had been considered in August 2015. Niger had also submitted reports under the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The report on the implementation of the International Covenant on Economic, Social and Cultural Rights had been approved in December 2015. In addition, in early 2016, Niger had submitted its report on the implementation of the International Covenant on Civil and Political Rights and its updated common core document.

22. Despite the progress made since 2011, significant challenges remained. They related mainly to terrorist threats, trafficking, including the trafficking of migrants, high population growth, desertification, the silting of the Niger River and the shrinking of Lake Chad.

23. The most worrying and pressing of those challenges was terrorism, in particular attacks by Boko Haram, with its costs in terms of killings, arson attacks, destruction of property, population displacement and refugees. The situation in the West African region was especially disturbing because of the challenges posed by terrorism, in particular in terms of dealing with hundreds of thousands of displaced persons and refugees, ensuring their reinsertion and the socioeconomic development of the affected areas.

24. Despite such threats, Niger, with the assistance of its partners, continued to preserve its territorial integrity and ensure the security of people and their property. It had also cared for the displaced persons, refugees and returnees arriving at its borders.

25. Niger had called on the international community to support all efforts to restore peace and security in the Sahel and the Sahara, as well as its fight against terrorism, which was a threat for all.

26. Against that background, Niger was actively preparing the general elections scheduled for 21 February 2016. The Government was committed to organizing free, transparent, inclusive and peaceful elections, in accordance with the laws and regulations of the Republic.

27. Niger had carried out an internal audit of the electoral register — in response to a request by the opposition political parties — which had been endorsed across the political spectrum. In addition, the Independent National Electoral Commission had requested the International Organization of la Francophonie (OIF) to commission an external audit by its experts. The Government had fully agreed to implement the recommendations of the OIF auditors. The electoral list had been approved by all of the country's political class.

28. As to comments received about the freedom of journalists and statements made concerning certain politicians, the representative of Niger replied that, since 2011, no politician or journalist had been imprisoned because of their views. Furthermore, press offences, such as defamation, insults and spreading false news, had been decriminalized. However, when the Criminal Code was violated, the law was applied; accordingly, one journalist had been imprisoned, for forgery and use of forgery.

29. Two human rights defenders had also been held for questioning concerning statements they had made that were intended to demoralize troops involved in counter-terrorism operations; they had been released the following day. The representative of Niger stated that the country's stability had to be ensured and that some human rights activists acted on behalf of opposition parties in order to destabilize the Government and State institutions. Niger encouraged the proper use of freedom of expression because it strengthened the democratic system.

30. A bill on the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty was before the National Assembly. It should be noted, however, that the Government had systematically commuted death sentences to life imprisonment since 2012 and that no executions had been carried out since 1977. Although the Government was committed to abolishing the death penalty, most of the population were currently opposed to abolition. Niger had therefore chosen to conduct awareness campaigns on the issue, with the assistance of international partners, until the conditions for abolition were met. However, the Boko Haram question had delayed awareness-raising activities. Niger had asked the international community to continue to support its efforts in that regard.

31. Niger acknowledged the need to submit its report to the Committee against Torture. The Government took a firm stand against all forms of torture and trafficking in persons. A bill on torture had been drafted and was under consideration for adoption. Reporting of such acts was consistently encouraged with a view to prosecuting those responsible.

32. Of the country's 38 prisons, only Niamey prison had a problem of overcrowding. The Government was planning to build a new facility there capable of holding 1,500 inmates.

33. An independent mechanism to monitor conditions of detention had not yet been set up; however, steps had been taken at the national level to that end.

34. With regard to efforts to eliminate gender-based discrimination, Niger had ratified the Convention on the Elimination of All Forms of Discrimination against Women, and a committee had been established to look into withdrawing the reservations that had been made. A three-year plan for the period 2015-2017 had also been drawn up. It was planned to raise awareness of the issue by means of a travelling exhibition and to conduct advocacy work among members of parliament, religious leaders and traditional leaders.

35. In accordance with a 10-year policy for the advancement of women, women's rights were mainstreamed as cross-cutting issues in the sectoral policies of the various ministries.

36. As to the issue of the Wahaya and the question of female genital mutilation, the Government was carrying out information campaigns in order to ensure that all persons responsible for such practices were reported to the authorities. The public prosecutor's department had been instructed to prosecute the perpetrators of such acts. Furthermore, a consultation framework had been established, and it was planned to adopt a holistic strategy to develop pilot projects with a view to ensuring that medical expenses were reimbursed and that victims were helped to reintegrate into society and provided with legal assistance.

37. Following the implementation of a national strategy, the rate of female genital mutilation had fallen from 5 per cent in 2005 to 2 per cent in 2013.

38. Niger was also committed to ending child marriage. An African Union campaign had been launched to that end in 2014.

39. With regard to the right to education, the Government's efforts were unprecedented in the country's history. Within the space of 5 years, 15,000 classrooms had been built, as compared to 20,000 in the previous 50 years. Furthermore, the proportion of children

enrolled in school had risen from 8 per cent in 2010 to 25 per cent in 2014. Steps had also been taken to improve, and make more accessible, technical and vocational education, including through such measures as the establishment of the Directorate of Civic Education and Citizenship Training, the National Observatory for Employment and Vocational Training and the opening of eight centres to support continuing training and apprenticeships. The representative of Niger also drew attention to the efforts made to improve the school enrolment of girls, the school completion rate and examination pass rates, as well as the introduction of compulsory education until the age of 16.

40. Child mothers who were attending school were allowed to continue their studies after giving birth.

41. With regard to women in decision-making positions and elective posts, in 2010, for the first time ever, a woman had been among the 10 candidates standing for President. At the legislative elections, women had accounted for 15 of the 113 deputies elected, 639 of the 3,477 councillors and 8 of the 270 mayors. Out of a total of 36 ministers, 7 were women. In addition, the President of the Constitutional Court was a woman, as was the President of the High Court of Justice.

42. The representative of Niger also referred to the amendment of the Quota Act, which had raised quotas, and the establishment of the National Gender Observatory.

43. With regard to commitments under international law, Niger had signed the core international human rights instruments and had pledged to continue its ongoing ratification efforts.

44. A standing invitation had been extended to special procedures in 2012.

45. Niger had adopted a national plan on food, safe drinking water and sanitation for the period 2011-2015 and a national strategy on livestock water in 2014, which had led to increased access to water in rural and urban areas.

46. Steps had also been taken with regard to the right to health, in particular maternal and reproductive health, including the provision of free-of-charge services for caesarean sections, under-5 childcare, antenatal care, family planning and the treatment of female cancers. Those measures had helped reduce maternal mortality and neonatal mortality.

47. With regard to the rights of persons with disabilities, the recommendations of the 2015 Forum would be incorporated into an action plan. In addition, a social protection law had been adopted in 2011, and, following the national forum on social protection, it was expected that a definition of a social protection floor would be established.

48. In conclusion, the representative of Niger expressed appreciation for the statements of support for the efforts made and progress achieved since the first universal periodic review. Niger reaffirmed its commitment to pursuing its efforts to promote and protect human rights, in particular women's and children's rights.

49. Niger was also committed to further strengthening freedom of expression and its efforts to combat terrorism, corruption and impunity by enhancing its institutional and legal framework.

50. Niger was grateful to all its bilateral and multilateral partners for their unwavering support for its efforts to build a democratic, peaceful and prosperous State.

51. Lastly, Niger was aware of the scale of the challenges facing it and its obligation to meet its human rights commitments. It called on the international community to support it in its determination to promote better governance and balanced social and economic development. The representative of Niger expressed appreciation to the delegations who

had invited United Nations bodies to provide Niger with the technical support it needed to ensure a better future for its people.

B. Interactive dialogue and responses by the State under review

52. During the interactive dialogue, 68 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

53. Chad noted the efforts of Niger to implement recommendations accepted during its first universal periodic review and its voluntary commitments. Chad encouraged Niger to continue to deal with a large number of challenges it faced and called for significant support from partner countries to assist Niger.

54. China commended Niger for the development of its 2012-2015 Action Plan and for conscientiously implementing the recommendations of the first cycle of the universal periodic review. China welcomed the efforts of Niger to combat slavery and improve people's health, education, employment and other economic, social and cultural rights. China called on the international community to support Niger in moving forward with its sustainable development.

55. The Congo noted the efforts of Niger to improve its human rights situation through its plan of action for 2012-2015. It noted the creation of national institutions between 2011 and 2013. However, it also noted the persistence of challenges, particularly regarding social rights and rights of women. It expressed appreciation for the decision of Niger to abolish the death penalty.

56. Costa Rica acknowledged the efforts of Niger regarding the ratification of human rights instruments and the establishment of institutions to ensure democracy and the rule of law. However, it noted with concern challenges related to gender equality, the security situation and internal displacements. It regretted the lack of laws and standards to effectively abolish the death penalty and criminalize torture.

57. Côte d'Ivoire welcomed in particular the accession of Niger to the International Convention for the Protection of All Persons from Enforced Disappearance. Cote d'Ivoire welcomed the setting up of the Programme for Economic and Social Development 2012-2015, and encouraged the continuation of such efforts for combating poverty.

58. France welcomed measures taken by Niger in the area of human rights since its first universal periodic review, in particular the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

59. The Democratic Republic of Congo noted with satisfaction the ratification by Niger of core human rights instruments and that Niger was the first country to sign the Optional Protocol to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) aiming at combating modern slavery. Furthermore, it welcomed the fact that Niger voted in favour of General Assembly resolution 65/206 on the moratorium on the use of the death penalty.

60. Denmark commended Niger for its ratification of the Optional Protocol to the Convention against Torture and its efforts to promote the rights of women and girls. However, it expressed concern at reports of arrests of journalists and politicians, persistence of discrimination against women and girls, and the practice of land grabbing. Denmark urged Niger to respect freedom of speech and assembly, as well as democratic principles.

61. Djibouti welcomed the participative and inclusive approach to the preparation of the national report of Niger. Djibouti expressed appreciation for the efforts underscoring the political willingness of the Government to improve the human rights situation in Niger.

62. Egypt noted the progress of Niger on human rights through the establishment of a national human rights institution, its action plan to implement recommendations from the first universal periodic review, and measures to fight against contemporary forms of slavery and trafficking in persons. It encouraged Niger to pay great attention to protecting economic and social rights in the context of sustainable development.

63. Ethiopia commended the significant advances of Niger in its ratifications and the follow-up framework in place for the implementation of the recommendations of the first cycle of the universal periodic review. Ethiopia expressed appreciation for the establishment of a counter-terrorism institutional framework to better contain the terrorist threat. Ethiopia encouraged Niger to continue working towards socioeconomic development to sustain and support vulnerable groups.

64. Cuba welcomed the fact that Niger had adopted important legislation further to its first universal periodic review, such as the laws on juvenile courts and trafficking, and the adoption of the justice and human rights action plan. Cuba praised the policy of early childhood development and the improvements in the areas of health, education, employment and food.

65. Georgia noted with appreciation the ratification of international human rights instruments, particularly the Optional Protocol to the Convention against Torture, and adoption of legislative provisions since the first universal periodic review cycle. It welcomed the standing invitation issued to special procedures and highlighted efforts to combat slavery, including the adoption of a national action plan to combat trafficking in persons. Georgia acknowledged steps taken to enhance the protection of women and children.

66. Germany recognized the efforts of Niger to cooperate with the United Nations human rights system, particularly the standing invitation issued to special procedures. Germany remained, however, concerned at the high rate of early, child and forced marriages and insufficient protection of migrants and refugees from smugglers and human traffickers.

67. Ghana expressed appreciation for the 2012-2015 Action Plan, aimed at implementing the recommendations of the first cycle of the universal periodic review. Ghana shared the concerns of Niger of the threat posed by terrorists. It expressed concern about alleged reports of intimidation and ill-treatment by security agencies of human rights defenders, journalists and other civilians exercising their rights to free speech, peaceful assembly and freedom of religion.

68. Indonesia welcomed the establishment of the national human rights institution, the Ombudsman's office and institutions to combat trafficking in persons and corruption. Indonesia welcomed the national policy on justice and human rights and its 10-year plan of action for 2016-2025, including the increase of women's participation in politics and the national policies implemented for children and youth, as well as for social welfare.

69. The Islamic Republic of Iran noted progress, particularly in reducing neonatal and maternal mortality rates and the implementation of different programmes for children to access education. It applauded the adoption of the national action plan on combatting human trafficking in 2014.

70. Iraq expressed appreciation for the ratification of international instruments and the role played by Niger in combatting terrorism and consolidating human rights within

society. Iraq applauded the cooperation of Niger with the international human rights community.

71. Italy commended the commitment of Niger to eradicate poverty, the attention it attributed to economic, social and cultural rights, and the adoption of the health development plan. Italy also expressed appreciation for the de facto abolitionist position of Niger regarding the death penalty.

72. Libya commended Niger on important legislation it adopted, including the act of May 2015 on migrant smuggling, and the establishment of national institutions such as the national agency for combatting trafficking in persons.

73. Luxembourg welcomed progress made in the sector of nutrition through the 3N ("Nigeriens Nourish Nigeriens") initiative, efforts made to promote women's rights, and measures to combat slavery. However, it regretted that women and girls remained extremely vulnerable regarding harmful practices, including female genital mutilation and early marriage. Luxembourg hoped that the forthcoming elections would be carried out in conformity with human rights.

74. Madagascar acknowledged the will of Niger to comply with international commitments despite a difficult regional environment marked by violence and terrorist acts. Madagascar welcomed the establishment of the Constitutional Court, the High Commissioner for the 3N initiative and the national commission for human rights.

75. Malaysia acknowledged the legislative measures, policies and programmes developed in Niger to promote economic and social rights, address the issue of trafficking in persons, and protect vulnerable groups, particularly women and children. Malaysia encouraged Niger to overcome the challenges in the promotion and protection of human rights in the country.

76. Mauritania welcomed the adoption of the action plan for the implementation of the national policy on the justice system and human rights and the establishment of the national agency for legal and judicial assistance. Mauritania welcomed other reforms such as the Declaration of Table Mountain prohibiting prison sentences for journalists. Mauritania noted the concern of Niger with combating slavery and human trafficking, and continued to accord priority to the security challenges and fighting terrorism.

77. Mexico noted the establishment of the national human rights institution, the adoption of the national policy on justice and human rights and the amendment of the Quota Act, which fostered greater participation by women in political life. Similarly, Mexico welcomed the rise of birth registration, particularly in rural areas through mobile courts to issue birth certificates.

78. Slovenia commended the remarkable progress achieved since its previous review. It noted the human rights action plan, education programme, national institutions, and strengthened measures to combat female genital mutilation and Wahaya. It also noted that Niger had submitted overdue treaty body reports and ratified the Optional Protocol to the Convention against Torture and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Slovenia considered that the first cycle recommendations it made had been mostly implemented.

79. Mozambique saluted the outstanding progress achieved by Niger since its first universal periodic review. It urged the Government to accelerate the process of abolishing the death penalty and appealed to the international community to be responsive to the request of Niger for technical support regarding attacks by Boko Haram.

80. Namibia commended the creation of the Office of the Ombudsman, the Constitutional Court, the Court of Audit and other courts and agencies to secure an

institutional framework for the protection and promotion of human rights. Namibia expressed appreciation for efforts to protect freedom of expression and encouraged Niger to build on these achievements and guard against any arbitrarily restriction in the fight against terrorism.

81. The Netherlands commended progress in creating national human rights institutions. It noted some limited progress regarding access to maternal health care and reducing female genital mutilation and early marriage. The Netherlands asked that particular attention be paid to human rights defenders working on corporate accountability and transparency issues, who might face arrest, arbitrary detention and spurious charges.

82. Nicaragua recognized the enactment of a new Constitution in 2010 that triggered a process to establish the rule of law and promote and protect human rights. Nicaragua commended the Government for improving the quality and access to education and health, and called for the rapid adoption of the justice and human rights policy.

83. Nigeria welcomed the justice national policy and the action plan for 2016-2025, as well as initiatives to prevent trafficking in persons. Nigeria urged Niger to promote human rights at all levels, and ensure political inclusion and free and fair elections. It also urged Niger to continue to provide the enabling environment for the protection of the rights of refugees and internally displaced persons, in line with international standards.

84. Norway commended Niger for its efforts to enhance access to education and food security. It acknowledged the hospitality that Niger had demonstrated towards refugees from neighbouring countries and condemned the attacks on innocent civilians in the Diffa region. Norway recalled the responsibility of Niger to uphold fundamental rights even during a State of Emergency.

85. Pakistan noted that Niger had implemented a majority of the recommendations from the first cycle of the universal periodic review. Pakistan commended the passage of a number of laws and administrative reforms, and appreciated the ongoing cooperation with OHCHR, including the treaty bodies.

86. Panama welcomed progress made by Niger in implementing the recommendations accepted during its first universal periodic review, as well as the establishment of its national human rights institution.

87. The Philippines recognized the challenges faced by Niger regarding climate change and terrorism. It welcomed the ratification of international human rights instruments and the strengthening of a domestic legal and institutional framework. It expressed appreciation for efforts towards the abolition of the death penalty, and towards combating human trafficking and slavery. It commended Niger for measures taken to promote and protect the rights of refugees and migrant workers.

88. Portugal noted with appreciation the willingness of Niger to engage further with treaty bodies and welcomed, among other developments, the establishment of an inter-ministerial committee in charge of preparing human rights reports. Furthermore, it welcomed the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in 2014.

89. Senegal congratulated Niger for its efforts since its first universal periodic review, and for measures taken in the areas of education, health, agriculture and food self-sufficiency, as well as the ratification of human rights instruments. Senegal called on the international community to assist Niger in its efforts to combat terrorism.

90. Sierra Leone welcomed the policies undertaken by Niger since its first universal periodic review. It noted that Niger was targeted by Boko Haram and commended the Government for tackling this threat in a holistic manner and working with regional partners.

Sierra Leone encouraged Niger to implement a more comprehensive preventative strategy to combat gender-based violence.

91. Morocco expressed appreciation for the reforms Niger had undertaken to build a democratic society that respected human rights. It congratulated Niger for establishing a national human rights institution, decriminalizing press crimes, improving access to justice, and combatting slavery and human trafficking. Morocco supported the request of Niger for technical support to establish a specialized body dealing with prison administration and security.

92. South Africa recognized the establishment of the national human rights institution and the adoption of the economic and social development plan. However, it noted remaining challenges in the full realization of human rights exacerbated through the burden of external debt and the food crises. It encouraged Niger to continue all efforts towards the promotion and protection of human rights, including the right to development.

93. South Sudan expressed appreciation for the national action plan on justice and human rights (2016-2025) and applauded efforts to combat slavery and human trafficking, and the enshrining of the abolition of slavery in the Constitution. South Sudan also expressed appreciation for steps taken to prosecute perpetrators of the crime of female genital mutilation and bring them to justice.

94. Spain welcomed the accession of Niger to the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance, and the decision of the Government to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights. In this respect, Spain commended the fact that the death penalty had not been applied since 1976.

95. Switzerland welcomed the efforts of Niger to abolish the death penalty. However, it expressed concern at the persistent rate of child, forced and early marriages that led to human rights violations, in particular of the right to education and sexual and reproductive rights. Switzerland was also concerned that human rights defenders continued to face violations and restrictions of their rights. It stated that Niger should ensure that mining companies were aware of its obligation to respect human rights.

96. Togo welcomed the participative and inclusive approach in preparing the national report. Togo was particularly impressed with the work undertaken during the previous four years to promote and protect human rights. Togo welcomed the adoption of the decade-long action plan on justice and human rights (2016-2025) and the decriminalization of press crimes.

97. Tunisia welcomed the development of an action plan for the implementation of the recommendations of the universal periodic review and the presentation of a mid-term report in this regard. It noted the establishment of 15 institutions contributing to the promotion and protection of human rights. Tunisia encouraged Niger to fight all forms of violence against women and children, including female genital mutilation.

98. Ukraine noted the significant progress of Niger in the ratification of human rights instruments and the fact that Niger had strengthened its national legal and institutional framework to combat slavery and human trafficking. Ukraine welcomed the signature of Niger on the Optional Protocol to the ILO Forced Labour Convention, 1930 (No. 29) aiming at combating modern slavery. However, it noted remaining challenges to building a genuinely constitutional State.

99. The United Kingdom commended the progress of Niger regarding security and humanitarian challenges. It urged Niger to ensure human rights protections particularly for those who were seeking refuge. It welcomed the signing by Niger of the Declaration of Table Mountain and urged Niger to ensure that journalists and non-governmental

organizations were not unduly hindered, harassed or detained as a result of their work. It called on Niger to end traditional practices that discriminated against and targeted women and girls.

100. The United States of America commended the efforts of Niger to counter terrorist groups. It welcomed the audit of the electoral list of Niger in advance of the upcoming elections. It was concerned by reports that political space was narrowing. It remained concerned about the continued existence of slavery and noted that prison conditions were still a challenge.

101. Uruguay welcomed ratification by Niger of the Optional Protocol to the ILO Forced Labour Convention, 1930 (No. 29) aiming at combating modern slavery. It encouraged Niger to implement the recommendations made by the Special Rapporteur on Slavery. Uruguay was concerned at the high rate of early and forced marriage, and encouraged Niger to strengthen measures to eliminate those practices as well as female genital mutilation, and harmonize its domestic legislation with the Convention on the Elimination of all Forms of Discrimination against Women.

102. The Bolivarian Republic of Venezuela praised the progress achieved in the fields of health and education, such as the distribution of free books in the first and second basic cycles, the establishment of canteens in schools for the nomad population and the strategic plan for delivering food in schools for the most vulnerable population.

103. Zambia called upon Niger to consider withdrawing its reservations to the Convention on the Elimination of all Forms of Discrimination against Women; domesticate the instruments it has ratified, particularly those concerning the rights of women and children; enact laws to combat slavery; and take the necessary steps to eliminate female genital mutilation. Furthermore, Zambia urged Niger to include a definition of discrimination in its legislation and harmonize the Criminal Code with the Convention on the Elimination of all Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

104. Afghanistan commended the actions and commitments of Niger in promoting and protecting human rights in compliance with international obligations. Moreover, it welcomed significant progress in the area of freedom of expression and the Declaration of Table Mountain signed by the President of Niger, which allowed journalists to freely practice their professional duties.

105. Algeria congratulated Niger for the remarkable progress it had made in implementing its recommendations from the first universal periodic review cycle, of which it had accepted 110 of 112 recommendations. Algeria welcomed Niger as the first signatory to the Optional Protocol to the ILO Forced Labour Convention, 1930 (No. 29) aiming at combating modern slavery. Algeria encouraged Niger to continue its efforts to combat early marriage.

106. Angola noted with satisfaction that Niger continued its efforts to improve respect of human rights, particularly in its domestic legislation. Angola welcomed the action plan to implement recommendations from the first cycle. Angola also noted the adoption of constitutional provisions that prohibited all forms of slavery and human trafficking.

107. Argentina welcomed the fact that Niger had become a party to the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture. It also noted the efforts of Niger to address the consequences of the clashes between the terrorist group Boko Haram and the defence and security forces.

108. Armenia expressed its appreciation for health development plans, strategies and programmes, and the commitment of Niger to maintaining an open-door policy for

refugees. Armenia noted challenges in combating trafficking in persons and addressing the high number of child marriages. Armenia encouraged Niger to reconsider its reservations to its many signed and ratified international human rights instruments.

109. Australia expressed concern about reports of torture and ill-treatment of detainees accused of terrorist activities. It noted the de facto moratorium on executions. However, it regretted that this penalty remained in the Penal Code. Australia was also concerned by reports of violence against women, including female genital mutilation, and by the persistence of slavery.

110. Azerbaijan welcomed the ratification of the Optional Protocol to the Convention against Torture and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the adoption of the law against trafficking and of rural and water codes. Azerbaijan commended the cooperation of Niger with human rights mechanisms, highlighting the issuance of a standing invitation issued to special procedures, and welcomed quotas for women in elected office and public service.

111. Belgium welcomed the standing invitation extended by Niger to special procedures in 2012, recent ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, and the ratification of the Rome Statute and related amendments to the Penal Code. Belgium expressed appreciation for the moratorium on the death penalty and the decision of Niger to pass the bill to adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Belgium was concerned at the deterioration of the security situation caused by terrorist groups' attacks. Belgium encouraged Niger to ensure the independence of the Judiciary.

112. Benin welcomed in particular the adoption of various laws covering areas such as political life, individual freedoms, child protection and the administration of justice. Benin welcomed the adoption of measures taken regarding the rights to education, food and health. Benin urged Niger to continue awareness-raising campaigns to ensure the completion of legislative processes for the abolition of the death penalty. Benin urged the international community to support the human rights and development efforts of Niger.

113. Botswana welcomed the adoption of the 2014-2019 action plan of the national commission to coordinate the fight against trafficking in persons, as well as legislative measures taken. It encouraged Niger to fully implement the Declaration of Table Mountain and ensure the enjoyment of freedom of expression. Botswana noted measures taken in the areas of violence against women and girls, and early and forced marriages.

114. Brazil expressed its appreciation that Niger had issued a standing invitation to special procedures in line with the universal periodic review recommendation of Brazil. Brazil was encouraged by progress registered in food security with the adoption and implementation of the 3N initiative. It considered that efforts to combat violence against women and girls needed to be further strengthened.

115. Burkina Faso acknowledged security and environmental challenges faced by Niger. It welcomed progress to accede to international human rights instruments. Burkina Faso called upon the international community to fully support Niger in the fight against terrorism.

116. Burundi applauded the issuance of a standing invitation for special procedures to visit Niger. Burundi congratulated Niger for the adoption of the national human rights action plan and a citizenship and human rights education programme. Burundi welcomed the establishment of a national human rights commission. Burundi noted the adoption of a national social protection policy and a regulatory framework to improve care for persons with disabilities and the elderly.

117. Canada commended Niger for actions to combat slavery taken since its first universal periodic review. It welcomed the signature of the Declaration of Table Mountain. However, it was concerned about reports of an increase in the arrests of journalists and activists. Canada urged Niger to adopt measures to protect freedom of opinion, expression, peaceful assembly and association.

118. Montenegro commended Niger for its efforts to strengthen the institutional and strategic framework for human rights, in particular to prevent sexual violence and protect victims. Montenegro also noted progress in the areas of education and health. It was, however, concerned about trafficking in children and child labour. It posed questions about any action undertaken to ensure that perpetrators were prosecuted and punished.

119. Chile commended the adoption of regulations to strengthen the institutional framework of Niger, such as the adoption of the national plan for the implementation of the recommendations of the universal periodic review and the extension of an open invitation to special procedures. Chile noted remaining challenges in combatting poverty, protecting the environment, combating desertification and food safety.

II. Conclusions and/or recommendations**

120. **The recommendations formulated during the interactive dialogue/listed below have been examined by Niger and enjoy the support of Niger:**

120.1 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Ghana);**

120.2 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Congo);**

120.3 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Spain);**

120.4 **Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Chile);**

120.5 **Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, to definitively abolish the death penalty in the country (Chile);**

120.6 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (Montenegro) (Norway);**

120.7 **Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty (France);**

120.8 **Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);**

120.9 **Re-launch the process of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to the complete abolition of the death penalty (Luxembourg);**

120.10 **Complete the procedures for the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);**

** The conclusions and recommendations have not been edited.

120.11 Complete the internal process to adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights on abolition of the death penalty, as early as possible (Uruguay);

120.12 Complete the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights as early as possible; and take all necessary legislative measures to confirm the abolition of the death penalty, including in its domestic legislation (Belgium);

120.13 Harmonize its national legislation with the Rome Statute of the International Criminal Court, and accelerate the process to approve the draft law to adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights, and thus eliminate the death penalty (Costa Rica);

120.14 Remove reservations to core human rights instruments including the Convention against Torture, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);

120.15 Withdraw its reservations on the Convention on the Elimination of all Forms of Discrimination against Women and incorporate all the provisions of that Convention into national law (Luxembourg);

120.16 Lift its reservations to the Convention on the Elimination of all Forms of Discrimination against Women and ratify the Maputo Protocol to ensure women's rights (Norway);

120.17 Withdraw its reservations to the Convention on the Elimination of all Forms of Discrimination against Women (Canada);

120.18 Remove reservations to the Convention on the Elimination of all Forms of Discrimination against Women, as previously recommended (Slovenia);

120.19 Adopt all the necessary measures to lift reservations to the Convention on the Elimination of all Forms of Discrimination against Women (Panama);

120.20 Undertake efforts to withdraw the country's reservations to the Convention on the Elimination of all Forms of Discrimination against Women (South Africa);

120.21 Make all the necessary efforts to remove the reservations from the Convention on the Elimination of all Forms of Discrimination against Women (Togo);

120.22 Accelerate the process of withdrawal of reservations to the Convention on the Elimination of all Forms of Discrimination against Women (Tunisia);

120.23 Accelerate the withdrawal of its reservations to the Convention on the Elimination of all Forms of Discrimination against Women, to fully comply with the provisions of the Convention, and introduce plans and programs to eliminate all forms of discrimination against women (Chile);

120.24 Consider ratifying the Convention on the Prevention and Punishment of the Crime of Genocide (Côte d'Ivoire);

120.25 Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);

120.26 **Accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (Ghana);**

120.27 **Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189) (Philippines);**

120.28 **Establish normative frameworks to help domesticate the human rights instruments it has ratified (Sierra Leone);**

120.29 **Take all necessary measures to fully align its legislation with the Rome Statute and particularly to allow full cooperation with the International Criminal Court (Belgium);**

120.30 **Proceed with the internal measures necessary to comply with the obligations arising from the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**

120.31 **Ensure a rigorous implementation of its legislation in the main sectors that have an impact on the enjoyment of human rights such as education, health, rights of women and children, environment and access to justice (Burkina Faso);**

120.32 **Harmonize national laws with international regulations on rights of women and children (Ukraine);**

120.33 **Adopt a family law that ensures equal rights between men and women and which protects girls from early and forced marriage (Denmark);**

120.34 **Adopt a family code (Algeria);**

120.35 **Prevent early, child and forced marriages by passing into law and effectively enforcing a minimum age of 18 for marriage (Germany);**

120.36 **Increase the minimum legal age for marriage for girls and develop and implement a comprehensive and coordinated strategy to eliminate child, early and forced marriage and to support already married children and adolescent girls (Italy);**

120.37 **Adopt national legislation prohibiting the recurring forced marriages of minors in the country (Spain);**

120.38 **Ban by law early and forced marriage as well as the practice of Wahaya (Ukraine);**

120.39 **Establish and enforce laws and policies that criminalize and help prevent child, early and forced marriages (Canada);**

120.40 **Adopt the law that will protect minors from early and forced marriages (Montenegro);**

120.41 **Continue its efforts to strengthen the National Human Rights Commission, in line with the Paris Principles and with full participation of the civil society (Indonesia);**

120.42 **Take the necessary measures to ensure that the National Human Rights Commission is in conformity with the Paris Principles (Chile);**

120.43 **Strengthen its internal human rights monitoring system by proceeding with the accreditation of the National Human Rights Commission with A category rating according to the Paris Principles (Portugal);**

120.44 **Increase the human and financial resources of the National Human Rights Commission in order to allow it to obtain A status from the International Coordinating committee of national institutions for the promotion and protection of human rights (Senegal);**

120.45 **Provide the National Commission for Human Rights with adequate resources to enable it to conform to its mandate in full compliance with the Paris Principles (Tunisia);**

120.46 **Establish an independent and specialized institution to investigate any allegations of human rights violations (Afghanistan);**

120.47 **Develop a monitoring system to implement recommendations accepted at the previous universal periodic review cycle and ensure implementation (Costa Rica);**

120.48 **Consolidate the rule of law and human rights principles in the society (Iraq);**

120.49 **Continue to implement the National Policy on Justice and Human Rights (Pakistan);**

120.50 **Continue the cooperation with the international community to improve democracy and social development in accordance with human rights principles (Iraq);**

120.51 **Continue its efforts to promote and protect the rights of children and of persons with disabilities (Islamic Republic of Iran);**

120.52 **Better integrate the concerns of elderly persons and those with disabilities into public policies (Senegal);**

120.53 **Continue to uphold and respect human rights standards and obligations as it pursues counter-terrorist operations (Philippines);**

120.54 **Take the necessary measures to protect the victims of Boko Haram and the terrorist groups, in particular children (Egypt);**

120.55 **Further continue taking effective counter-terrorism measures as terrorism is a cause for serious human rights abuses in the country (Ethiopia);**

120.56 **Continue to strengthen the national efforts to control the borders and to fight against trafficking in persons and drug smuggling as well as terrorist activities of Boko Haram in the borders and to continue the effective coordination with neighbouring countries in that regard (Libya);**

120.57 **Implement existing laws and undertake concerted efforts to combat violent extremism and acts of terrorism (Malaysia);**

120.58 **Encourage the efforts displayed to combat terrorism (Iraq);**

120.59 **Continue with its commitment to fight terrorism, together with other countries in the region (Nicaragua);**

120.60 **Continue its engagement with the United Nations human rights mechanisms for the promotion and protection of human rights (Azerbaijan);**

120.61 **Continue to engage its regional and international partners with the view of seeking technical and other assistance towards its full compliance with its human rights treaty obligations (Philippines);**

120.62 **Submit overdue reports to the relevant United Nations treaty bodies (Sierra Leone);**

120.63 **Submit its initial report to the Committee against Torture without further delay (Denmark);**

120.64 **Take measures to effectively implement the provisions of the Convention on the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child, with special attention placed on the principle of non-discrimination (Namibia);**

120.65 **Actively promote women's rights and eliminate discrimination against women (China);**

120.66 **Further take measures in order to improve its legislation, policy and practice on gender equality and on prevention and response to gender-based violence (Portugal);**

120.67 **Step up measures through legislation, policies and programmes to promote the rights of women, and protect them from being victimized by any forms of slavery and abuse (Malaysia);**

120.68 **Review the legislation to eliminate provisions that may discriminate against women and girls and harmonize it with the Convention on the Elimination of all Forms of Discrimination against Women (Mexico);**

120.69 **Repeal all norms/standards that discriminate against women, remove all reservations to the Convention on the Elimination of all Forms of Discrimination against Women and promote gender equality by introducing public awareness-raising programmes (France);**

120.70 **Enhance its efforts to eliminate all forms of discrimination against women and withdraw its reservations to the Convention on the Elimination of all Forms of Discrimination against Women (Portugal);**

120.71 **Step up efforts to combat all forms of discrimination towards women, in particular by re-examining its reservations to the Convention on the Elimination of all Forms of Discrimination against Women, with a view to withdrawing them (Brazil);**

120.72 **Conduct an awareness-raising and educational campaign among the populations with the view to eliminate all the socio-cultural barriers which impede the full enjoyment of the rights of women (Angola);**

120.73 **Strengthen the measures to combat discrimination against women and girls, in particular, by prohibiting early or forced marriages (Argentina);**

120.74 **Continue intensifying its efforts to promote women's empowerment through capacity-building, gender sensitivity training and public awareness-raising activities (Azerbaijan);**

120.75 **Strengthen the awareness-raising and training of women on leadership (Cuba);**

120.76 **Formally abolish the death penalty, as previously recommended (Slovenia);**

120.77 **Abolish the death penalty, despite obstacles (Djibouti);**

120.78 **Abolish the death penalty and ratify the second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);**

120.79 **Abolish the death penalty, through the accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and maintain the de facto moratorium on executions until ratification (Georgia);**

120.80 **Remove the death penalty from its Penal Code with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**

120.81 **Consider taking measures aimed at affecting a de facto and de jure moratorium on the death penalty (Namibia);**

120.82 **Continue efforts towards the abolition of the death penalty (South Africa);**

120.83 **Accelerate the procedure relating to the abolition of the death penalty, as quickly as possible (Togo);**

120.84 **Enact the law on abolishment of the death penalty (Ukraine);**

120.85 **Criminalize acts of torture in the penal code and set up a national preventive mechanism in line with the Optional Protocol to the Convention against Torture (France);**

120.86 **Include a definition of torture in the Penal Code (Australia);**

120.87 **Set up a specialized body on penitentiary administration (Togo);**

120.88 **Establish a national independent mechanism responsible for the inspection of detention centres (Ukraine);**

120.89 **Conduct a review of prison conditions in the country's various detention facilities and implement a plan for addressing overcrowding (United States of America);**

120.90 **Eliminate overcrowding in prisons (Ukraine);**

120.91 **Strengthen legislation and policy on gender equality and the prevention and punishment of gender-based violence (Côte d'Ivoire);**

120.92 **Increase efforts to prevent sexual and gender violence, especially regarding groups at risk, such as child girls refugees, and decrease gender inequality through urgently improving legislation and educational programmes (Costa Rica);**

120.93 **Strengthen efforts to protect women and girls from all forms of violence and implement a strategy to eliminate negative cultural practices that are harmful and discriminate against women (Australia);**

120.94 **Strengthen the laws on the protection of the rights of women with a view to effectively address violence against women, including sexual violence and female genital mutilation (Botswana);**

120.95 **Abolish the practice of female genital mutilation (Congo);**

120.96 **Conduct awareness-raising campaigns related to women's rights, in particular aimed at eradicating female genital mutilation (Georgia);**

120.97 **Intensify efforts to fully eradicate female genital mutilation, also by promoting awareness-raising and educational activities particularly targeted at local community leaders and health workers (Italy);**

120.98 Eradicate all harmful practices such as female genital mutilation and early or forced marriages, and take the necessary measures to ensure the full protection of boys and girls (Mexico);

120.99 Continue taking further measures to eliminate female genital mutilation (South Sudan);

120.100 Prohibit the harmful practices such as the female genital mutilation and the Wahaya or practice of the fifth wife converted into sexual slave (Spain);

120.101 Intensify awareness-building among traditional and religious leaders to strictly observe the ban on female genital mutilation (Ukraine);

120.102 Create and implement a strategy to eliminate traditional harmful practices, such as female genital mutilation, child, early and forced marriage, and "Wahaya", and modify traditional stereotypes that are harmful to and discriminate against women (United Kingdom of Great Britain and Northern Ireland);

120.103 Continue with the education process, dissemination of information and awareness raising for families, local leaders, civil society and all relevant actors, in order to eradicate the practice known as "Wahaya" or 5th wife (Uruguay);

120.104 Set up a national strategy to combat all forms of slavery (Egypt);

120.105 Take more active measures to abolish all forms of slavery in practice (Georgia);

120.106 Review Law 2003-25 of 23 June 2003 with a view to giving itself the appropriate means to eventually eradicate all forms of slavery and promptly adopt national action plans to this end (Luxembourg);

120.107 Ensure effective implementation of existing legislation to eradicate all forms of slavery, prosecute perpetrators and ensure effective access to justice for victims of slavery (Italy);

120.108 Adopt and implement targeted measures to address the root causes of slavery, including poverty, inequality and customary norms (Italy);

120.109 Adopt a long-term national plan with local communities and civil society, in order to decrease the traditional practice of slavery among certain ethnic groups, avoid its continuity in future generations and eradicate it definitely (Uruguay);

120.110 Continue its efforts in the fight against slavery and human trafficking, promoting a culture of respect, equality and tolerance (Nicaragua);

120.111 Conduct a nationwide study on the prevalence of slavery and slavery-like practices in cooperation with national and international stakeholders (Norway);

120.112 Build law enforcement and labour inspection capacity to combat slavery practices, including sexual servitude, and forced child begging, and rehabilitate and integrate victims (United States of America);

120.113 Take concerted action to eradicate slavery including by enforcing the anti-slavery law and ensuring prosecution of perpetrators; taking measures to prevent slavery, protect and rehabilitate victims; and raising awareness of the criminalisation of slavery (Australia);

120.114 Take effective actions to prevent and eradicate all forms of slavery and discrimination (Panama);

120.115 Take the necessary measures to eliminate child labour, especially forced begging (Mexico);

120.116 Create and implement, in conjunction with all social partners, a holistic policy aimed at progressively eradicate child labour (Panama);

120.117 Prevent different forms of danger for children such as life on the streets, domestic violence, child trafficking, child labour, armed conflict, sexual exploitation (Ukraine);

120.118 Foster national strategies to combat child labour (Brazil);

120.119 Combat the trafficking of children, including the problem of combatting the forced begging of children (Djibouti);

120.120 Ensure effective implementation of the 2014 National Action Plan to combat trafficking in persons and related offences, including slavery (Italy);

120.121 Continue the implementation of the national action plan against human trafficking that was adopted in 2014 (France);

120.122 Further strengthen its efforts in implementing the National Action Plan to Combat Trafficking in Persons and related Offences, including Slavery of 2014-2019 (Indonesia);

120.123 Further strengthen its national legislation to combat trafficking in persons (Islamic Republic of Iran);

120.124 Develop a national action plan to address the needs of victims of trafficking in human beings (Portugal);

120.125 Guarantee mechanisms of access to justice for the most vulnerable sectors of the population (Mexico);

120.126 Ensure that members of the security forces who are responsible for violations of human rights are prosecuted (France);

120.127 Open impartial and independent investigations into claims of torture and ill-treatment and bring perpetrators to justice (Australia);

120.128 Take steps to open prompt, impartial, thorough and effective investigations into alleged violations of international human rights law committed by law enforcement agencies in order to bring all the perpetrators to justice (Ghana);

120.129 Strengthen the measures aimed at ensuring the investigation and punishment of perpetrators of human rights violations, as well as the reparation of victims (Argentina);

120.130 Promote awareness-raising campaigns and adaptive policies aimed at eliminating child, early and forced marriage (Sierra Leone);

120.131 Take steps aimed at the elimination of child, early and forced marriage (Armenia);

120.132 Ensure full abolition of all forms of early and forced marriages (Botswana);

120.133 Advance in the eradication of forced and early marriages involving boys or girls (Chile);

120.134 **Respect and fully guarantee the rights to freedom of expression, freedom of association and freedom of assembly, in particular in the context of measures undertaken to respond to violent extremism and terrorism (Switzerland);**

120.135 **Ensures full respect for the right to freedom of expression and media freedom by preventing all harassment and undue detention of journalists and civil society activists (United Kingdom of Great Britain and Northern Ireland);**

120.136 **Respect freedoms of expression and association, both online and offline, particularly leading up to this year's elections, and release political detainees (United States of America);**

120.137 **Protect human rights defenders and ensure that they are able to carry out their work free from harassment and intimidation (Germany);**

120.138 **Take steps to halt all intimidations and harassment by law enforcement officials against human rights defenders (Ghana);**

120.139 **Take firm measures to ensure that human rights defenders and peaceful activists are free to enjoy their fundamental rights of, inter alia, freedom of expression and freedom of association (Norway);**

120.140 **Adopt an action plan for the employment of women and young people (Morocco);**

120.141 **Strengthen the participation of women in decision-making positions and on the labour market (Egypt);**

120.142 **Continue its efforts to improve people's lives and to promote economic and social development (China);**

120.143 **Continue implementing economic and social development programmes in order to fight poverty (Ethiopia);**

120.144 **Continue progressing in the eradication of poverty, with the implementation of its sound social policies to improve the quality of life of its people, particularly of the most vulnerable (Bolivarian Republic of Venezuela);**

120.145 **Continue implementing the 3N Initiative to guarantee the exercise of the right to food (Cuba);**

120.146 **Continue implementing the 3N Initiative in order to ensure the full realization of the right to food (South Africa);**

120.147 **Take, in collaboration with the international community and other United Nations specialized programs, concrete measures to ensure access to adequate food (Madagascar);**

120.148 **Advance in the effective implementation of the human rights to water and sanitation, by increasing public water infrastructures (Spain);**

120.149 **Improve the infrastructure of the health-care system and strengthen women's access to health-care facilities (Madagascar);**

120.150 **Increase efforts to improve women's health, in particular access to family planning services, maternal health care and eliminating the practice of female genital mutilation (Netherlands);**

120.151 **Take appropriate measures to reduce infant mortality and improve access to health services in rural areas (Malaysia);**

120.152 **Strengthen health care and consider the possibility of providing mobile clinics for Bedouins (Egypt);**

120.153 **Facilitate high education and free education to all school-aged children (Egypt);**

120.154 **Continue to facilitate free access to education for both boys and girls (Ukraine);**

120.155 **Expand access to education for children and youth, and provide vocational training as a means to improve their future employability (Malaysia);**

120.156 **Ensure that all children between 4 and 18 years of age have access to education without gender discrimination, in accordance with Article 2 of the Constitution of Niger as well as Articles 2 and 28 of the Convention on the Rights of the Child (Canada);**

120.157 **Ensure the equal right to quality education for young mothers and married girls (Slovenia);**

120.158 **Ensure the education and training of girls and women, including access to education on sexual and reproductive health (Switzerland);**

120.159 **Include human rights education in all curricula and school systems (Morocco);**[1]

120.160 **Continue efforts to increase the school enrolment rate and literacy among nomadic populations (Algeria);**

120.161 **Continue to implement the National Social Welfare Policy for Persons with Disabilities (Pakistan);**

120.162 **Enhance the protection of migrants and refugees by implementing the law on human trafficking and enhancing the operational capacities of the Commission Nationale d'Eligibilité au Statut de Réfugié and the Agence Nationale de Lutte contre la traite des Personnes (Germany);**

120.163 **Strengthen safety and protection measures for the exploitation of natural resources, in order to rigorously protect the environment and the health and rights of local residents, and in line with the United Nations Guiding Principles of Business and Human Rights (Slovenia);**

120.164 **Ensure that business companies, particularly those working in mining, respect the human rights, following the guiding principles on business and human rights (Switzerland).**

121. **The following recommendations will be examined by Niger, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council in June 2016:**

121.1 **Refrain from criminalizing the legitimate activities of human rights defenders and repeal or amend all laws and policies which restrict their activities and rights, including by ensuring that anti-terrorism legislation is not misused (Netherlands);**

[1] The recommendation as read in the meeting was: "Include human rights education at all levels of the school system."

121.2 Adopt the implementing decrees of the ordinance on pastoralism, guaranteeing the protection of land rights (France);

121.3 Take concrete steps to effectively increase the protection of the rights of pastoralists (Denmark).

122. The recommendation below did not enjoy the support of Niger and would thus be noted:

122.1 Ensure participation of indigenous peoples in the decision-making and their equal representation in the governance of the country (Ukraine).

123. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Niger was headed by MOROU AMADOU, Minister of Justice, and composed of the following members:

- Mme MAIKIBI KADIDIATOU DANDOBI, Ministre de la population, de la promotion de la femme et de la protection de l'enfant;
- Mme KAFA REKIATOU CHRISTELLE JACKOU, Ministre déléguée aux affaires étrangères;
- Mme FATIMA SIDIKOU ABOU, Ambassadrice/Représentante permanente du Niger auprès de l'Office des Nations Unies et des autres organisations à Genève;
- M. OUMARIA MAMANE, Conseiller principal du Premier Ministre;
- Mme MOUNKEILA AICHATOU SEYNI, Directrice générale des droits de l'homme, de la protection judiciaire juvénile et de l'action sociale, Présidente du Comité interministériel chargé de la rédaction des rapports initiaux et périodiques aux organes des traités;
- M. IBRAHIM JEAN ETIENNE, Directeur de la protection judiciaire juvénile, membre du Comité interministériel;
- Mme RABIOU ASSETOU TRAORE, Directrice des droits de l'homme, membre du Comité interministériel;
- M. GARBA ISSOUFOU, Premier Secrétaire de la Mission, en charge des questions de droits de l'homme;
- M. MOUMOUNI DJIDA, Ministère de la population, de la promotion de la femme et de la protection de l'enfant, membre du Comité interministériel;
- Mme SOURGHIA MARIAMA, Ministère de la santé, membre du Comité interministériel;
- Mme KAZA AMINA, Ministère de l'enseignement primaire, de l'alphabétisation, de la promotion des langues nationales et de l'éducation civique, membre du Comité interministériel;
- M. LIMAN YAHAY BOUBACAR, Protocole du Ministre de la justice.

United Nations A/HRC/32/6

General Assembly

Distr.: General
12 April 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Mozambique

* The annex is being circulated in the language of submission only.

GE.16-05962(E)

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Contents

		Page
	Introduction	3
I.	Summary of the proceedings of the review process	3
	A. Presentation by the State under review	3
	B. Interactive dialogue and responses by the State under review	5
II.	Conclusions and/or recommendations	14
Annex		
	Composition of the delegation	27

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fourth session from 18 to 29 January 2016. The review of Mozambique was held at the 3rd meeting on 19 January 2016. The delegation of Mozambique was headed by the Minister of Justice, Constitutional and Religious Affairs Abdurremane Lino de Almeida. At its 10th meeting, held on 22 January 2016, the Working Group adopted the report on Mozambique.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of El Salvador, Ghana and India.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Mozambique:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/24/MOZ/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/24/MOZ/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/24/MOZ/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Liechtenstein, Mexico, the Netherlands, Norway, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Mozambique through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Mozambique indicated that the responsibility for preparing the report had fallen on the Interministerial Working Group for Human Rights. The process had included the broad participation of all stakeholders, including representatives of civil society organizations.

6. Mozambique recalled that it had accepted 161 recommendations from a total of 169 made during the first review cycle and that it was honoured to report that the Government had managed to implement nearly 90 per cent of them.

7. Since the last review, the country had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8. In addition, the country had acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The process of the adoption of the Code of Penal Procedure and the Code of Penitentiary Executions was under way.

9. Mozambique indicated that it would be doing its best to comply with its obligations in receiving visits of special procedure mandate holders and expressed the desire that pending visits take place as soon as possible.

10. Mozambique reported its great efforts to regularize its reporting to the specialized United Nations and African Union mechanisms. The latest reports had been presented to the Human Rights Committee and the Committee against Torture, both in October 2013, and to the African Commission on Human and Peoples' Rights, in June 2014.

11. The reports on the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Persons with Disabilities had already been submitted to the pertinent committees.

12. In compliance with its international commitments, particularly the Vienna Ministerial Declaration and Plan of Action of the Least Developed Countries, Mozambique had established the National Human Rights Commission and the Ombudsman in 2012, in the light of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

13. Mozambique thanked OHCHR for the technical and financial support the latter had provided to the National Human Rights Commission and the country's business and human rights initiative, especially in the organization of a national workshop with all stakeholders.

14. On business and human rights, the Government would undertake a joint study with civil society organizations, which would culminate in the presentation of a report on the impact of business on human rights of Mozambicans.

15. The President was available to engage with all national stakeholders for the sake of peace, national unity and development, through a constructive dialogue. To date, five general elections had been held with success — presidential and legislative — in 1994, 1999, 2004, 2009 and 2014, in the efforts aimed at deepening political and civil rights, as well as the democratic process.

16. Furthermore, the decentralization process was ongoing.

17. Regarding correctional services, the Government had approved Law No. 3/2013, which established the National Penitentiary Service and its Organic Statute and Staff Regulations on fulfilling the duties of prison guard. Providing legal aid to prisoners with no means to hire their own lawyers was still a challenge, despite the work done by the Institute for Legal Assistance.

18. The number of persons in preventive detention receiving legal aid stood at around 50 per cent. The country's President had announced in December 2015 the pardon of the sentences of 1,000 inmates, who had already been released from prison, as a humanitarian and goodwill gesture. The country had made strides on gender equality. Of the 250 members of Parliament, 100 were women, which corresponded to 40 per cent of seats. Women ministers comprised 28.6 per cent of the Cabinet, while 20 per cent of vice-ministers were women.

19. In conclusion, Mozambique renewed the country's commitment to the promotion and protection of all human rights for all Mozambicans, inter alia, by strengthening State institutions and encouraging the participation of the civil society (non-governmental organizations, media etc.), in all human development activities, with the support of the international community.

B. Interactive dialogue and responses by the State under review

20. During the interactive dialogue, 94 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

21. Côte d'Ivoire noted the financial contribution of Mozambique to OHCHR in 2013 and the ratification of international legal instruments. It also commended the country on legislative reform on relevant human rights, in particular the 2014 Penal Code.

22. Cuba highlighted the work done regarding women's participation in politics, combating poverty and improving health-care coverage.

23. Cyprus commended the accession of Mozambique to a number of international human rights instrument. It welcomed the adoption of the new Penal Code reinforcing the legal framework for the protection of women and children's rights. Cyprus remained concerned about gender-based discrimination and violence.

24. The Czech Republic welcomed the delegation.

25. The Democratic Republic of the Congo noted the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture since the previous review, encouraging the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the First Optional Protocol to the International Covenant on Civil and Political Rights. It also emphasized the need for Mozambique to issue invitations to special procedure mandate holders.

26. Denmark noted the ratification of the Optional Protocol to the Convention against Torture, the adoption of a law on information, the new Penal Code legalizing abortion and decriminalizing homosexuality, and steps to prevent early childhood marriage. It welcomed the establishment of the National Human Rights Commission and the Ombudsman, asking about how Mozambique ensured that those institutions became fully operational.

27. Djibouti commended Mozambique on the progress made in implementing the supported recommendations. It also encouraged the country to redouble its efforts for the promotion and protection of human rights.

28. Nigeria noted the legal and institutional framework for the promotion and protection of human rights, including constitutional provisions, accession to international legal instruments, the establishment of the National Human Rights Commission and the appointment of an Ombudsman, who regularly reported to Parliament.

29. Ethiopia noted encouraging outcomes in the areas of combating corruption and the fight against poverty, as well as in the education sector.

30. Finland noted the remaining social and regional inequalities in Mozambique, while recognizing government efforts to improve equality through increasing bilingual education in primary schooling.

31. France welcomed the delegation.

32. Georgia noted the ratification of the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

33. Germany welcomed the adoption of a law on freedom of information, the new Penal Code, and the shortening of pretrial detention, as well as improved regulation of the protection of victims and witnesses in criminal proceedings. It encouraged reforms in prison conditions.

34. Ghana commended Mozambique on the establishment of the National Human Rights Commission and the Ombudsman. It expressed concern about allegations of killings, torture, arbitrary detentions, extrajudicial executions, excessive use of force and ill-treatment of detainees.

35. The Holy See acknowledged the creation of the National Human Rights Commission and efforts to prevent trafficking in persons, such as the adoption of the National Action Plan for the Advancement of Women.

36. India welcomed the conduct of regular elections and the initiatives for decentralization aimed at improving the transparency and accountability of local authorities. It noted the establishment of the National Human Rights Commission and the election of the Ombudsman by Parliament. It appreciated that 40 per cent of parliamentarians were women and the formulation of the Poverty Action Plan.

37. Indonesia appreciated the establishment of the National Human Rights Commission and the Ombudsman Office, and the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture, as well as the improvements in strengthening the legal and political frameworks. It also noted the expansion of school networks and increased access to education, while acknowledging the challenges related to literacy, especially for girls

38. Iraq expressed appreciation for Mozambican efforts in the promotion of human rights, particularly acceding to international treaties. It supported the continuation of the work to establish the principles of human rights within the society.

39. Ireland asked about the steps taken to implement the previously supported recommendation to repeal legislation requiring the transfer of pregnant girls to night-time schools. Ireland expressed concern about the current high levels of child mortality and about criminal defamation.

40. Italy welcomed the enhancement of the legal and institutional framework of Mozambique, the ratification of key international legal instruments and positive cooperation with international and regional special procedure mechanisms.

41. Kenya commended efforts to improve living conditions through implementation of progressive social policies. It noted improvements in the enjoyment of the right to education through the expansion of the school networks, focusing on rural areas.

42. Latvia welcomed the criminalization of various forms of sexual violence and abuse, the 2014 Law on Access to Information and the establishment of the National Human Rights Commission. It expressed concern about continuing attacks, intimidation and harassment of journalists.

43. Lesotho appreciated the ratification of the majority of core international human rights treaties.

44. Libya welcomed the implementing almost 90 per cent of the universal periodic review recommendations, appreciating in particular the enactment of the Penal Code, which strengthened the commitment of Mozambique to fulfil its obligations towards women and children, specifically criminalizing all forms of violence and sexual assaults. The commended establishing the National Human Rights Commission.

45. Luxembourg commended Mozambique on the establishment of the National Human Rights Commission and the ratification of the Optional Protocol to the Convention against Torture.

46. Madagascar commended the ratification of the Optional Protocol to the Convention against Torture, measures to improve the legal and institutional framework and efforts to protect the rights of women, children and persons with disabilities.

47. Malaysia noted the establishment of the National Human Rights Commission, the efforts towards decentralization of local governments and an increase in women's representation in decision-making.

48. Mauritania commended the appointment of the Ombudsman, the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture.

49. Mauritius commended ongoing reform measures aimed at reducing poverty, eliminating discrimination against women, increasing access to sanitation and potable water and better health services. It acknowledged the adoption of the new Penal Code with improved compliance with women and children's rights.

50. Mexico welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the creation of the National Council for Children's Rights. Mexico encouraged the Government to harmonize its normative framework.

51. Montenegro commended the adoption of the new Penal Code. Montenegro asked about the measures undertaken to break the cultural silence and underreporting of violence against children in all settings.

52. Morocco congratulated Mozambique on its efforts in reforming the justice sector, extending judicial coverage and improving access to legal aid. It encouraged Mozambique to fight prison overcrowding with alternative sentences.

53. Myanmar commended the strong commitment to improve gender equality and the advancement of women by adopting measures to eliminate discrimination against women and to protect them against trafficking, sexual abuse and gender-based violence.

54. Namibia observed the steady progress in State institution-building, democracy and peacebuilding and urged Mozambique to address underlying and proximate causes of violent conflict. It commended the measures taken to ensure that the National Human Rights Commission became operational and the election of the Ombudsman in 2012.

55. The Netherlands commended progress with respect to the rights of women, children and lesbian, gay, bisexual, transgender and intersex persons. It was concerned that abortions would continue to occur outside hospitals under unsafe conditions unless services were made available and accessible countrywide. It was concerned with the legal framework restricting civil society rights to assembly, association and registration.

56. New Zealand welcomed the announcement that Mozambique had been declared free of landmines. It commended the improvement of the security environment since the civil war. It welcomed the commitment to ratify the International Covenant on Economic, Social and Cultural Rights and strengthen the human right framework by acceding to Optional Protocol to the Convention against Torture and enacting the new Penal Code.

57. Nicaragua highlighted efforts to fight corruption. It noted the significant progress made in achieving universal access to health. It encouraged Mozambique to promote greater community participation in the implementation of social programmes.

58. The Niger noted the ratification of the majority of international human rights instruments and cooperation with international and regional special procedure mechanisms. It appreciated efforts to promote women's participation in public affairs.

59. Egypt noted the progress since the first review, particularly with respect to the rights of women and children, including by enacting the Penal Code, establishing the National

Human Rights Commission and holding elections. It enquired of measures taken to enhance the capacity of law enforcement officials.

60. Norway commended the adoption of the new Penal Code and recommended that grant funding from, inter alia, the World Bank's Global Financing Facility in support of Every Woman, Every Child, be used to strengthen access to safe abortion services.

61. Pakistan appreciated the concerted efforts to implement the first universal periodic review recommendations and steps taken in the past four years. It commended the ongoing reforms and legislative process to strengthen human rights, appreciating cooperation with the human rights mechanisms, including treaty bodies.

62. Panama congratulated Mozambique on its progress in implementing recommendations accepted during the first universal periodic review cycle and its accession to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

63. The Philippines encouraged Mozambique to address concerns about the reported high maternal mortality rate and the relatively low access to education of girls. It noted the economic challenges hampering the fulfilment of its human rights obligations, particularly gender discrimination.

64. Poland appreciated the efforts and the progress made in the implementation of the first universal periodic review recommendations. It appreciated the accession of Mozambique to the Convention on the Rights of Persons with Disabilities and Optional Protocol to the Convention against Torture, noting that further improvement was still needed.

65. Portugal congratulated Mozambique for revising the Penal Code to criminalize drug trafficking and other crimes in order to ensure the implementation of the universal periodic review recommendations. It urged the country to approve the criminal procedure code as a priority and train legal practitioners.

66. The Russian Federation noted the positive developments in the human rights situation, particularly regarding the rights of women, children and the elderly. It welcomed the establishment of the National Human Rights Commission and the election of the Ombudsman. It appreciated the efforts to prevent and suppress the practice of human trafficking.

67. Senegal commended the strengthening of the national human rights framework through the new Penal Code and the Law on Access to Information, and the creation of the National Human Rights Commission and the appointment of the Ombudsman. It welcomed the accession of Mozambique to several human rights conventions, which reflected its willingness to realize human rights.

68. Serbia welcomed the country's efforts in promoting and protecting human rights since the first review and encouraged it to bring the National Human Rights Commission into compliance with the Paris Principles. It encouraged Mozambique to take further steps in cooperating with the human rights mechanisms and to consider issuing a standing invitation to the special procedures.

69. Sierra Leone commended the progress made since the first review, including the enactment of the Penal Code and the implementation of various policies. It encouraged further promotion of women rights and concrete measures to improve the quality of education and reform the education system.

70. In its reply, Mozambique reported that the Government had increased its human and financial resources to improve the conditions in detention centres. It had rehabilitated and built new prisons at district level, including a youth recovery centre, established youth

sections in various prison facilities and introduced measures and alternative sanctions to imprisonment under the new Penal Code.

71. As regarded the accession of Mozambique to the International Covenant on Economic, Social and Cultural Rights, consultations at various levels with a view to its ratification were under way.

72. On the existing mechanisms for the assurance of impartiality and independence of the work of the National Human Rights Commission, the Government explained that the Commission had been created in compliance with the spirit of the Paris Principles. Indeed, its pluralistic composition and independence from any State body allowed the National Human Rights Commission to function without any interference.

73. On the measures to prevent domestic violence and sexual harassment of women and girls, domestic violence was a crime penalized under the Law on Domestic Violence and in the Penal Code. Additionally, the Government had approved, in 2012, a multi-stakeholder integrated mechanism for the assistance of victims of violence.

74. With regard to the revision of legislation and policies for elimination of child marriage and other harmful and discriminatory practices towards women and girls, the Government had approved the National Strategy for Preventing and Combating Early Marriages, which aimed to create an enabling environment for the progressive reduction and elimination of such practices.

75. Singapore welcomed the strengthening of State institutions to promote and uphold human rights by prioritizing legal, institutional, economic and social reforms to combat corruption and to ensure better delivery of public services. It noted the expansion of the schools network and the implementation of programmes to improve education in schools.

76. Slovakia noted that gender-based violence remained a serious problem despite the legislative progress in protection of women and children from violence through the enactment of the new Penal Code in 2014. It encouraged improving its implementation by raising the awareness of the public and law enforcement officials. It shared concerns expressed by the Committee against Torture and invited Mozambique to end impunity and investigate cases of alleged police extrajudicial killings, torture and ill-treatment.

77. Slovenia welcomed the adoption of the new Penal Code criminalizing gender-based violence and establishing a legal and policy framework, although it noted that such violence continued. It noted reports that child marriage, adolescent pregnancy and HIV infections remained alarming common. It regretted reports of police use of excessive force, arbitrary detention and the use of defamation laws restricting freedom of expression.

78. South Africa welcomed the 2015-2019 programme to improve public services delivery and to contribute to economic and social development efforts. It noted the introduction of universal access to antiretroviral treatment for pregnant women living with HIV, geared towards the elimination of mother-to-child transmission. It encouraged Mozambique to continue its efforts to guarantee the right to development.

79. South Sudan noted the cooperation with OHCHR and human rights mechanisms. It welcomed the peaceful presidential and legislative elections. It appreciated that Mozambique was hosting refugees and asylum seekers. It applauded the country's efforts to empower women and ensure their participation at all level of governance institutions, recognizing that discrimination against women was still a major challenge. It encouraged Mozambique to continue implementing the remaining recommendations of previous cycle.

80. Spain commended the progress made by the operationalization of the National Human Rights Commission and the election of the Ombudsman and the improvement of the independence of the judiciary and the increase of women's participation in Parliament,

and welcomed the ratification of Optional Protocol to the Convention against Torture. It noted that half of Mozambique had no access to safe drinking water and sanitation.

81. Swaziland observed that Mozambique had successfully addressed most of the recommendations of the previous review, ratifying and domesticating legal instruments. It commended progress on gender issues, particularly in the growth of women's participation in decision-making positions and in education, health, economic and social development programmes.

82. Sweden welcomed the new National Strategy for Preventing and Combating Early Marriages and stated that stated that Mozambique has the tenth highest rate thereof in the world, while marriages involving persons under 18 years of age represented 48 per cent of marriages, as current legislation allowed marriage from the age of 16 with parental consent. It noted that the new Penal Code did not outlaw discrimination on the basis of sexual orientation and gender identity.

83. Switzerland noted with concern that the right to freedom of expression was not always guaranteed and the fact that defaming the Head of State and other public figures was punishable by law. Regarding extraction of natural resources, it was concerned with the lack of sufficient involvement of rural communities in decisions that might have negative consequences on their lives.

84. Thailand commended the progress in implementing recommendations, particularly the ratification of the Convention on the Rights of Persons with Disabilities. It commended the plan to fight HIV/AIDS, and to promote the right to health. It appreciated efforts strengthening legislation to protect women and children.

85. Timor-Leste commended Mozambique for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the adoption of the new Penal Code in 2014 and the establishment of the National Human Rights Commission.

86. Togo congratulated Mozambique for its demining programme and encouraged it to continue the implementation of the programme of assistance to victims.

87. Turkey noted with satisfaction the accession of Mozambique to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It also welcomed the pacific and transparent elections held in 2014. It encouraged Mozambique to accelerate its efforts in fighting corruption.

88. Uganda considered that establishment of the National Council for Children's Rights and the National Human Rights Commission demonstrated that Mozambique was making solid efforts to promote and protect human rights.

89. Ukraine acknowledged the progress made by Mozambique. It noted the strengthening of the national legal and institutional framework in the education sector and reforms in the health sector.

90. The United Kingdom of Great Britain and Northern Ireland commended the revision of the Penal Code. It was concerned that the rights of citizens who did not support the Government could be undermined.

91. The United Republic of Tanzania noted the achievements of Mozambique in the eradication of poverty and the provision of affordable housing and clean and safe water. It called on the international community to heed the request of Mozambique for technical assistance.

92. The United States of America applauded the enactment of the new Penal Code. It was concerned over the lack of progress on several issues from the previous review, including continued allegations of arbitrary arrest and detention.

93. Uruguay highlighted Mozambican efforts to fulfil its obligations in submitting reports to the treaty monitoring bodies. It welcomed its efforts on gender equality, but expressed concern about reported discrimination and violence.

94. The Bolivarian Republic of Venezuela was pleased by the creation of the National Human Rights Commission and the Ombudsman. It noted an improvement of health indicators, among others vaccination coverage for infants under 2 years old.

95. Zambia commended Mozambique for the implementation of some of the recommendations from the first review, but noted that, despite the positive steps taken, challenges remained.

96. Zimbabwe noted the progress of Mozambique in expanding school enrolment and measures increase the enrolment of girls. It also noted progress in increasing the representation of women in public life and the ratification of further instruments.

97. Afghanistan welcomed the commitment of Mozambique to the promotion and protection of human rights and its efforts to regularize its reporting to the United Nations human rights mechanisms.

98. Algeria congratulated Mozambique for its level of cooperation with regional and United Nations human rights mechanisms. It noted the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture.

99. Angola underlined the determination of Mozambique to protect human rights, as enshrined in its Constitution. It welcomed the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the Convention against Torture.

100. Argentina welcomed the ratification of the Optional Protocol to the Convention against Torture and noted the concerns of the Special Rapporteur on extreme poverty and human rights concerning discrimination and abuse of girls in schools.

101. Australia expressed concern about continuing reports of arbitrary detention, torture and ill-treatment. It recognized that same-sex sexual activity had been decriminalized, but noted the lack of specific protection against discrimination.

102. Austria noted Mozambican efforts to improve the administration of justice. However, it noted that the justice system continued to face procedural delays, overcrowding of prisons and deterioration of prison conditions.

103. Bangladesh noted the establishment of the National Human Rights Commission, the ratification of international instruments and the formulation of the second National Action Plan for Children. Economic challenges meant that Mozambique warranted further technical assistance.

104. Belgium celebrated the adoption of the new Penal Code and the Law on Access to Information. It encouraged additional efforts in fighting impunity and ensuring judicial independence and access to justice.

105. Benin appreciated the ratification of the Optional Protocol to the Convention against Torture, the adoption of the new Penal Code and the draft legislation on access to information.

106. The Plurinational State of Bolivia wished to offer recommendations to Mozambique in a constructive spirit.

107. Botswana welcomed the creation of the National Human Rights Commission and the establishment of the Office of the Ombudsman. However, it noted reports of child debt bondage, child abuse and child labour.

108. Brazil noted the initiatives of Mozambique to foster political participation and especially praised the increased participation of women at all levels of decision-making.

109. Burundi welcomed the ratification of instruments such as the Optional Protocol to the Convention against Torture and the creation of the Ombudsman, as well as the introduction of civic, moral and human rights education in schools. It noted the different measures aimed at improving access to health services and HIV treatment. It celebrated the creation of the National Council for Children's Rights.

110. Canada suggested the enactment of a new criminal procedure code to implement alternatives to imprisonment. It commended Mozambique for taking action to decriminalize same-sex conduct.

111. Chad noted that Mozambique was party to most human right international instruments. It encouraged Mozambique to keep on cooperating with the Human Rights Council, the United Nations and the African Union.

112. Chile acknowledged significant advances made by Mozambique, among them, constituting a multisectoral mechanism to assist victims of gender violence, ratifying the Optional Protocol to the Convention against Torture and setting up social housing policies.

113. China commended Mozambique for receiving a large number of refugees from other African countries. The country was committed to fighting corruption, promoting social justice and protecting women's rights. It was taking emergency measures to deal with the impact of natural disasters.

114. The Congo noted the development of the institutional framework for the protection of human rights. It encouraged Mozambique to continue modernizing places of detentions and ensuring protection for refugees and stateless persons.

115. Costa Rica acknowledged advances in the political representation of women and the establishment of the "green line" to complain of inappropriate police conduct. It expressed concern for child labour, arbitrary detention and limits on freedom of expression.

116. Tunisia noted the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and the adoption of a national plan to implement universal periodic review recommendations.

117. Mozambique stated that, regarding the mistreatment of prisoners, the Government focused on the training and development of human resources in related areas, by providing regular and executive courses and training activities, including on matters relating to human rights. Organizational and structural reform was in progress and had already resulted in the adoption of legal instruments such as the new Police Law (2013), the Disciplinary Rules of the Police (2014) and the modernization and strengthening of the National Penitentiary Service.

118. On measures to bring to justice perpetrators of crimes against journalists and opinion makers, Mozambique stated that, in the event of a crime, including the ones mentioned by delegations, the Government undertook proceedings to bring perpetrators to court. Relating to the killing of Professor Gilles Cistac and journalist Paulo Machava, the Government was working hard to bring the perpetrators to justice. To tackle the phenomenon of the kidnapping and killing of people with albinism, the Government had approved a specific

action plan to protect and assist the victims. The plan provided for, among other measures, the development of public awareness-raising campaigns to demystify beliefs and erroneous perceptions about people with albinism. There were also joint actions in place between Mozambique and the countries of the region aiming at preventing the trafficking of people with albinism.

119. As for the transfer of pregnant girls to evening classes, the matter was being assessed due to the sensitivity of the issue. A multisectoral group had been created to consult with different segments of society.

120. On the protection of girls from sexual abuse, specific measures had been put in place namely: penalization under the Penal Code of those who engaged in sexual acts with minors; campaigns against sexual harassment and abuse of girls in school and community; and imposition of sanctions against teachers or education employees who had sexual involvement with students.

121. Relating to measures to combat early school dropout, the following measures had been taken: expansion of the school network, with more schools situated near communities to reduce the distance between home and school; provision of schoolbooks and education materials for primary education; and provision of a fund to support disadvantaged and vulnerable students.

122. On measures to ensure that pregnant girls and young mothers had the opportunity to complete their education, they were encouraged to continue their studies through the provision of opportunities for further study during pregnancy and after delivery.

123. With regard to elections, there was a revision of the Electoral Law, allowing greater partisan representation, better oversight of elections and greater transparency. Civic education campaigns were also undertaken.

124. To date, five general elections — presidential and legislative — had been held with success in 1994, 1999, 2004, 2009 and 2014, as part of the efforts aiming at deepening the political and civil rights, as well as the democratic process. Furthermore, the decentralization process was ongoing.

125. Regarding violence and abuse against the older persons, the protection of that category of citizens was ensured by a mechanism providing assistance to family and child victims of violence. Mozambique also had an institutional mechanism for considering issues relating to older persons, the National Council for Social Action. Law 3/2014 on the Promotion and Protection of the Rights of the Elderly provided for fines for the ill-treatment of older persons. The main challenges faced in this area were: the dissemination of legal instruments protecting the rights of older persons; the translation into national languages of the legal instruments that promote and protect their rights; and awareness-raising among practitioners of traditional medicine and community leaders in protecting older persons.

126. Regarding the ratification of the Rome Statute in its 2010 version, in the light of the unfolding political and legal developments, the country had opted for further studying that instrument. Nevertheless, Mozambique assumed the principle of complementarity between the Rome Statute and the domestic laws.

127. Regarding the International Covenant on Economic, Social and Cultural Rights, the process for acceding to that Covenant was now at an advanced stage. In the foreseeable future, a proposal for acceding to the Covenant would be submitted to the Cabinet for scrutiny. Subsequently, that proposal would be submitted to the Parliament, which was the competent body under the auspices of the Constitution for approving the proposal and binding Mozambique to that instrument. It was hoped that this would take place within the parliamentary session of 2016.

II. Conclusions and/or recommendations**

128. **The recommendations listed below have been examined by Mozambique and enjoy the support of Mozambique:**

128.1 **Ratify the Optional Protocol to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Australia);**

128.2 **Become party to and implement the International Covenant on Economic, Social and Cultural Rights and the First Optional Protocol to the International Covenant on Civil and Political Rights as soon as possible (New Zealand);**

128.3 **Accede to the International Covenant on Economic, Social and Cultural Rights (France) (Georgia);**

128.4 **Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (Ghana);**

128.5 **Ratify the International Covenant on Economic, Social and Cultural Rights (Germany) (Kenya) (Montenegro) (Turkey) (Timor-Leste) (Poland) (Tunisia);**

128.6 **Sign and ratify the International Covenant on Economic, Social and Cultural Rights (Spain);**

128.7 **Consider ratifying the International Covenant on Economic, Social and Cultural Rights (Indonesia);**

128.8 **Consider ratification of the International Covenant on Economic, Social and Cultural Rights as accepted during the first cycle review (Namibia);**

128.9 **Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);**

128.10 **Take necessary measures to ratify the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia);**

128.11 **Ratify the Convention against Discrimination in Education (Ghana);**

128.12 **Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Brazil);**

128.13 **Adopt as a matter of priority the Code of Criminal Procedure and promote the training of justice officials (Portugal);**

128.14 **Swiftly adopt a new Penal Procedure Code and Correctional Execution Code to allow for alternative sentencing (Norway);**

128.15 **Continue strengthening the institutional capacity of promotion and protection of human rights (Cuba);**

** The conclusions and recommendations have not been edited.

128.16 **Continue the reforms to improve policies and programmes towards promotion and protection of all human rights (Lesotho);**

128.17 **Operationalize the National Human Rights Commission and ensure that its operating is in line with the Paris Principles (Morocco);**

128.18 **Continue its efforts for the operationalization of the National Human Rights Commission (South Africa);**

128.19 **Redouble its efforts to guarantee the independence of the National Human Rights Commission and provide it with the necessary resources (Libya);**

128.20 **Intensify its efforts with a view to creating the conditions in order that the National Human Rights Commission conform with the Paris Principles (Niger);**

128.21 **Strengthen the independence of the National Human Rights Commission and provide it with the necessary resources to fulfil its mandate (Egypt);**

128.22 **Ensure that the National Human Rights Commission has sufficient resources, personnel and a clear mandate to carry out its work in line with the Paris Principles (Norway);**

128.23 **Strengthen technical and human capacity and the independence of the National Human Rights Commission and the Ombudsman, according to the Paris Principles (Costa Rica);**

128.24 **Ensure that the National Human Rights Commission with the sufficient resources to be able to acquit itself of its mandate, fully respecting the Paris Principles (Tunisia);**

128.25 **Strengthen its efforts to introduce human rights education in the curriculum and training programmes (Senegal);**

128.26 **Strengthen its ongoing Public Education Programme on Human Rights (Zimbabwe);**

128.27 **Utilize opportunities to obtain grant funding inter alia from the World Bank's Global Financing Facility (Norway);**

128.28 **Continue to actively engage its international partners with the view to seek technical and other assistance to build and strengthen institutional and operational capacities for human rights (Philippines);**

128.29 **Engage stakeholders such as civil society organizations, the private sector, local communities, donors, and multilateral institutions in the realization of the fundamental international principles on human rights protection (Ukraine);**

128.30 **Engage the civil society in the follow-up implementation process of the universal periodic review recommendations (Poland);**

128.31 **Submit overdue reports to the relevant treaty bodies (Sierra Leone);**

128.32 **Transmit to the Committee on the Rights of the Child the combined third and fourth periodic reports and the reports for the two Optional Protocols to the Convention within the scheduled time (Uruguay);**

128.33 **Issue a standing invitation to the special procedures (Turkey);**

128.34 **Extend a standing invitation to the Human Rights Council's special procedures (Poland) (Georgia);**

128.35 **Extend a standing invitation to all special procedures mandate holders and respond positively to all outstanding requests of mandate holders to visit the country (Latvia);**

128.36 **Formally accept a request to visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions and issue an invite in 2016 (United Kingdom of Great Britain and Northern Ireland);**

128.37 **Respond positively to the request of the Special Rapporteur on extrajudicial, summary or arbitrary executions to undertake a country visit (United States of America);**

128.38 **Take concrete measures to fulfil its obligations under the Convention against Torture and to accept the request of the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country (Sweden);**

128.39 **Consider taking appropriate action at the legislative level in order to ensure protection from all forms of discrimination (Serbia);**

128.40 **Continue its efforts in gender mainstreaming in education and employment (Bangladesh);**

128.41 **Continue the efforts to achieve stability in the society (Iraq);**

128.42 **Continue its efforts in the area of eliminating all forms of discrimination in the society (Iraq);**

128.43 **Fight effectively against all forms of discrimination against women, older people and people with albinism (Djibouti);**

128.44 **Increase its efforts to safeguard the human rights of women, ageing people, persons with disabilities and children, in particular street children (Holy See);**

128.45 **Ensure that its anti-discrimination laws and policies are fully implemented (Philippines);**

128.46 **Strengthen its policy of promoting gender equality (Côte d'Ivoire);**

128.47 **Redouble efforts to eliminate discrimination against women (South Sudan);**

128.48 **Consider the adoption of appropriate policies to additionally promote gender equality in public affairs and to enforce strict sanctions against all kinds of discrimination and abuse of women's rights (Serbia);**

128.49 **Continue implementing measures to improve gender equality in the country and to eliminate discrimination against women (Cuba);**

128.50 **Strengthen the fight against all forms of discrimination against women, in particular violence against women and girls by ensuring the strict and effective application of relevant laws and policies (Luxembourg);**

128.51 **Consider incorporating gender equality in all its policies (Bolivia (Plurinational State of));**

128.52 **Take all the necessary measures to implement and enforce existing legal and regulatory frameworks on gender equality and non-discrimination (Panama);**

128.53 Take appropriate action in order to combat all forms of discrimination and violence against women and girls (Cyprus);

128.54 Continue efforts to promote gender equality in combating discrimination and violence against women and girls, in particular domestic violence and early marriages (France);

128.55 Take further measures to eliminate discrimination and violence against women (China);

128.56 Combat discrimination and harassment with regard to girls in schools (Djibouti);

128.57 Operationalize gender strategy in education, including early education, in order to combat female illiteracy and child, early and forced marriages (Finland);

128.58 Strengthen the implementation of existing legislation and promote awareness-raising activities aimed at protecting women's rights, at increasing girls' enrolment rate in schools and fighting against all forms of violence against women, including domestic violence (Italy);

128.59 Adopt a national strategy to fight against discrimination against women and girls, with a focus on equitable access to education (Turkey);

128.60 Review the order, 39/GM/2003 (despacho) banning pregnant girls to attend day schools (Djibouti);

128.61 Ensure the mainstreaming of gender equality in all its policies and increase the representation of women in decision-making positions at the local level (South Africa);

128.62 Continue working on a national policy and legislation that can guarantee greater equality of opportunity between men and women (Nicaragua);

128.63 Take measures to fight discrimination against women particularly in rural areas (Senegal);

128.64 Continue to work for the elimination of discrimination against women, particularly in rural areas (Bolivia (Plurinational State of));

128.65 Continue to intensify efforts to fight against violence faced by persons with albinism (Portugal);

128.66 Consistently address and prosecute incidents of violence against persons with albinism and take measures to comprehensively protect their human rights (Sierra Leone);

128.67 Take specific legal provisions to protect the rights of older persons and people living with albinism (Congo);

128.68 Raise the level of professionalism and efficiency in the police force (Nigeria);

128.69 Further continue providing capacity building training to law enforcement agencies to raise the level of professionalism and efficiency in carrying out their duties (Ethiopia);

128.70 Strengthen human rights training for security forces and prison officials (France);

128.71 **Offer regular and continuous training programmes to police officers as well as judicial and state officials in compliance with international human rights standards, and ensure swift conduct of trials and due process in criminal cases (Germany);**

128.72 **Adopt effective measures to ensure that there is total respect for the total prohibition of torture in line with the Convention against Torture (Mexico);**

128.73 **Ensure the elimination of human rights abuses against prisoners and detainees, and to bring to justice those responsible for committing these offences and ensure redress for victims (New Zealand);**

128.74 **Put an end to arbitrary detention, practices of torture and methods use by security forces in public demonstrations. These are forms of limiting freedom of expression and trial those persons responsible in line with Mozambique's international human rights obligations (Costa Rica);**

128.75 **Establish an effective mechanism to investigate, sanction and repair in case of abuse of power on the part of the police forces and penitentiary forces, to safeguard personal information of victims and those making a complain, and establish administrative sanctions and penal sanctions for the perpetrators (Chile);**

128.76 **Ensure that all allegations of extrajudicial executions, excessive use of force, arbitrary detentions or acts of torture are investigated and bring those responsible to justice (France);**

128.77 **Ensure that all allegations of arbitrary detention, excessive use of force, extrajudicial executions, torture and ill-treatment by the police are promptly, thoroughly and impartially investigated (Australia);**

128.78 **Take necessary measures to ensure that allegations of killings, torture, arbitrary detentions, extrajudicial executions, excessive use of force and ill-treatment of detainees are swiftly investigated and the perpetrators brought to justice (Ghana);**

128.79 **Take measures to ensure that law enforcement in Mozambique complies with domestic and international human right standards; and ensure prompt, thorough investigations, and prosecution where evidence warrants, of all allegations of human rights violations, including torture (Canada);**

128.80 **Intensify its efforts to ensure that national prison rules and policies are in line with the revised United Nations Standard Minimum Rules for the Treatment of Prisoners or the Nelson Mandela Rules (Thailand);**

128.81 **Improve the conditions in correctional and other detention facilities (Nigeria);**

128.82 **Improve the situation of overcrowding in prisons (China);**

128.83 **Improve conditions of detention in penitentiaries, by ensuring that prison overcrowding is reduced (Belgium);**

128.84 **Step up its efforts in ensuring that the issues of the inability by prisoners to hire their own lawyers and overcrowding in prisons are attended to and appeal to the Human Rights Council and the international community to render both financial and technical assistance to help the Government of Mozambique meet its international obligations (Zambia);**

128.85 Prioritize reform of the prison system in order to improve the living conditions of detainees, ensure thorough investigation of any allegation of ill-treatment and use of excess force by police forces, and prosecute those who have committed such crimes (Italy);

128.86 Accelerate the implementation of alternative measures to detention through the adoption of legal and policy measures outlined in articles 88, 89 and 102 of the Penal Code; and ensure that children and adolescents in detention facilities are separated from adults, in accordance with Mozambique's obligations under the Convention on the Rights of the Child (Canada);

128.87 Widen the access to legal assistance for prisoners, and continue to assist with their rehabilitation into society to reduce recidivism (Malaysia);

128.88 Carry out prompt, thorough and impartial investigations into cases of arbitrary arrest and detention and ensure that all police officers found responsible for human rights violations are subjected to disciplinary and criminal proceedings as appropriate, in line with accepted recommendations (Austria);

128.89 Strengthen measures to eliminate gender-based violence against women (Myanmar);

128.90 More effectively address and combat domestic violence as perpetuated against women and the elderly (Sierra Leone);

128.91 Take the necessary measures to ensure that those responsible for acts of violence and sexual abuse of girls, especially in the education system, are effectively punished and removed from their posts (Uruguay);

128.92 Strengthen its efforts in combatting the early marriage of girls (Algeria);

128.93 Develop a legal framework to fight against the phenomenon of early marriage (Belgium);

128.94 Sensitize traditional chiefs, religious leaders, women's groups and youth about the consequences of early and forced marriage of girls, and adopt laws and regulations preventing and punishing cases of violations (Benin);

128.95 Ensure effective implementation of the new National Strategy to prevent and eradicate early marriages (Italy);

128.96 Adopt effective mechanisms to implement the existing legislation which protects women and children (Uruguay);

128.97 Continue the work of the Ministry of Education and civil society to reinforce the campaign on zero tolerance for violence against children at in the environment of communities, families and in schools (Uruguay);

128.98 Strengthen the protection of the rights of children, particularly those in vulnerable situations, and ensure perpetrators of sexual violence and child labour are held to account (Botswana);

128.99 Strengthen child protection system with effective mechanisms, including investigation of reports of cases of cases of child abuse (Slovakia);

128.100 Ensure the implementation of already ratified international conventions in the sphere of children's rights protection (Ukraine);

128.101 **Adopt strategies to combat harmful practices such as debt bondage of children and corporal punishment (Turkey);**

128.102 **Prohibit corporal punishment of children in all settings (Slovenia);**

128.103 **Take measures for improving the access of children to the basic social services (Ukraine);**

128.104 **Strengthen the national measures to combat the phenomenon of human trafficking and trafficking of human organs and protect the victims of trafficking from actions of retaliation (Egypt);**

128.105 **Continue to adopt effective measures to assist victims of trafficking in human beings (Russian Federation);**

128.106 **Implement the existing policies and laws to eradicate child labour and trafficking (Ukraine);**

128.107 **Strengthen reforms to ensure access to justice for all (Angola);**

128.108 **Promote continuous and regular training programs for judicial and public magistrates and allocate sufficient resources to improve working conditions (Austria);**

128.109 **Strengthen the institutional and operational capacity for the administration of justice and request the International community to provide Mozambique with technical assistance (Uganda);**

128.110 **Increase the efficiency of tribunals against agreed targets, including through education and employment of qualified judicial personnel (Denmark);**

128.111 **Intensify the mediation process between conflict parties emphasizing the principles of inclusion of all relevant stakeholders to the conflict as well as parity (Germany);**

128.112 **Redouble its efforts to uphold the independence of the judiciary (South Africa);**

128.113 **Fully guarantee the independence of the judiciary in conformity with relevant international norms (France);**

128.114 **Include measures to further strengthen the independence of the judiciary in the constitutional review currently under consideration (Denmark);**

128.115 **Strengthen the independence and impartiality of the judiciary (Costa Rica);**

128.116 **Continue efforts for judicial reforms, particularly through strengthening the independence of judges and enhancing their capacities (Egypt);**

128.117 **Ensure that the Attorney General's Office and other offices thoroughly and aggressively investigate murders, corruption and organized crime, and prosecute alleged perpetrators (United States of America);**

128.118 **Stay the course to implement legal, institutional, economic and social reforms to combat corruption, in particular, intensify efforts and strengthen programmes to combat corruption at all levels (Singapore);**

128.119 Take consistent anti-corruption measures to enhance good governance and to promote transparency in the delivery of public services (Ethiopia);

128.120 Ensure the registration of all children after birth in all regions of the country (Turkey);

128.121 Take necessary measures to fully guarantee freedom of expression, in particular freedom of the press (France);

128.122 Continue the government efforts of protecting the rights of freedom of expression and peaceful demonstrations and respect the political rights in this aspect (Iraq);

128.123 Implement the Law on Access to information as well as the National Strategy to prevent and fight early and forced marriage (Portugal);

128.124 Improve transparency and inclusiveness of election processes fostering the culture of political dialogue and adopting concrete measures to prevent cases of election violence (Czech Republic);

128.125 Guarantee all citizens the right to take part in the conduct of public affairs, in particular as regards policy making on land distribution and use (Switzerland);

128.126 Promote greater citizen participation in the implementation of social programmes initiated by the Government (Nicaragua);

128.127 Continue its efforts to increase the percentage of women in decision-making positions (Myanmar);

128.128 Take further steps to advance women in leadership positions in politics and the economy and create favourable conditions for their participation in the electoral process (Russian Federation);

128.129 Establish measures to integrate informal economic activities in the national economy thus allowing inter alia access to credit and financial services and simplifying the procedures of access to appropriate training (Spain);

128.130 Continue to strengthen social policies for the eradication of poverty, in order to increase the quality of life of its people, especially the most vulnerable (Venezuela (Bolivarian Republic of));

128.131 Combat poverty effectively through the promotion of decent work (Angola);

128.132 Continue its efforts in combating extreme poverty, malnutrition and maternal and child mortality (Bangladesh);

128.133 In line with Finland's previous recommendation, take concrete and targeted measures to effectively reduce inequalities by reviewing, analysing and modifying policies and programmes on poverty reduction to ensure effective consideration of gender concerns (Finland);

128.134 Create a mechanism to prevent illegal land grabbing and ensure that large-scale development projects are undertaken with human rights due diligence and following public consultation (Czech Republic);

128.135 Advance the effective realisation of the human rights to safe drinking water and sanitation by improving the conditions of access particularly by expanding the network in rural areas (Spain);

128.136 Continue to promote access to health (Pakistan);

128.137. Continue its efforts to improve health services, especially for vulnerable women and children with HIV/AIDS (Thailand);

128.138 Step up efforts to reduce the infant mortality rate (Turkey);

128.139 Continue efforts to improve access to health care, in particularly to combat malaria, HIV/AIDS and tuberculosis (Algeria);

128.140 Continue to take action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 and consider applying the "Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age", A/HRC/27/31 (Ireland);

128.141 Seek technical assistance and cooperation from the international community to fight the HIV/AIDS pandemic and to strengthen its human rights institution (Nigeria);

128.142 Take all necessary steps to ensure that the availability of safe abortion services can be guaranteed, and to sensitize communities to the problems of unsafe abortion (Netherlands);

128.143 Ensure that all women have access to quality sexual and reproductive health services. including comprehensive sexuality education and modern contraceptive methods (Slovenia);

128.144 Continue to enhance access to education (Pakistan);

128.145 Continue to improve access to education and literacy rates (Indonesia);

128.146 Increase allocations for education and continue to improve the general quality of education (Luxembourg);

128.147 Strengthen work to improve the scope of the right to education, in particular for children and adolescents (Bolivia (Plurinational State of));

128.148 Continue to prioritise education in its development plans, and to invest sufficient resources to education as a means of helping its citizens achieve their aspirations (Singapore);

128.149 Continue its efforts to provide full access to education and to reduce the mortality rate through the improvement of health care services (Holy See);

128.150 Train more teachers and improve the quality of education in the rural areas (Afghanistan);

128.151 Reduce the illiteracy rate among girls (Nigeria);

128.152 Further consider initiatives to improve access to education for girls (Mauritius);

128.153 Take the necessary measures to eradicate discrimination against girls in the education system (Namibia);

128.154 Ensure that all girls, including pregnant girls and young mothers, can complete minimum levels of education in a safe environment (Slovenia);

128.155 Take all necessary measures to fight against discrimination and violence against persons with disabilities, including persons with albinism (Belgium);

128.156 Reinforce the protection of migrants, refugees and asylum seekers' rights by improving their living conditions and by ensuring the civil registration of their children (Holy See);

128.157 Develop a National Resilience Strategy for natural disasters that protects the development and subsistence methods, in order to have the possibility of guaranteeing the economic and social rights of the population (Mexico);

128.158 Develop a strategy and national indicators in order to comply with the Sustainable Development Goals (Mexico).

129. The following recommendations will be examined by Mozambique, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council in June 2016:

129.1 Continue the process of signing and ratifying international instruments, in particular those which were accepted during the previous universal periodic review (Uruguay);

129.2 Pursue its commitment to ratify other international human rights treaties that it is not yet a state party, including ILO Convention 189 (Philippines);

129.3 Ratify the First Optional Protocol to the International Covenant on Civil and Political Rights (Ghana);

129.4 Withdraw reservations to the 1951 Convention relating to the Status of Refugees in order to strengthen protection and local integration of refugees (Panama);

129.5 Adopt additional measures necessary to protect minorities, such as older persons, lesbian, gay, bisexual and transgender persons, persons with disabilities (Argentina);

129.6 Modify the law on inheritance to prevent discrimination against widows, and guarantee right to all properties including the right to own land (Spain);

129.7 Revise the legal framework on the rights of women and implement policies to eradicate discriminatory practices, including the necessary arrangements and adjustments as regard inheritance issues (Mexico);

129.8 Harmonize the civil status between men and women, particularly regarding the rights of inheritance and legal capacity to use, enjoy, and own, property, and set up policies aimed at eliminating the pay gap between men and women (Chile);

129.9 Further reduce the gender gap by translating the protection of women's rights into programmes that improve their health, education, and means of livelihood (Malaysia);

129.10 Pass legislation to increase the time limit for paid maternity leave (Brazil);

129.11 Revise laws to expressly prohibit discrimination on the basis of sexual orientation, gender identity and intersex status (Australia);

129.12 **Include sexual orientation and gender identity amongst illegal criteria for discrimination, in social, economic and political life and eliminate norms prohibiting consenting sexual relation between adults of the same sex (Chile);**

129.13 **Adopt legislation to specifically prohibit discrimination on the basis of sexual orientation and gender identity (Sweden);**

129.14 **Take steps to prioritise the protection of civilians through building the capacity of law enforcement and targeted training to improve public order and security in affected areas (New Zealand);**

129.15 **Adopt the law on child marriages (Congo);**

129.16 **Fully outlaw marriage before the age of 18 without exception in accordance with its international obligations (Sweden);**

129.17 **Harmonize laws and revise customary practices with a view to preventing child, early and forced marriage (Sierra Leone);**

129.18 **Establish the minimum age of marriage at 18 years old, and introduce mechanisms to reduce the incidence of child marriage (Slovenia);**

129.19 **Adopt the necessary measures to put an end to early and enforced marriage, to follow-up on victim testimony and bring perpetrators to justice (Panama);**

129.20 **Take the necessary measures to ensure the effective implementation of the law prohibiting labour of children under 15 years old, ensuring the perpetrators are properly sanctioned (Chile);**

129.21 **Implement measures to investigate and punish discrimination and abuses suffered by girls and adolescents in institutions [as reflected in the concerns of the Special Rapporteur on extreme poverty] in order to ensure their physical integrity and effective access to education (Argentina);**

129.22 **Consider regulating articles 3 (a) and 4 of ILO Convention 182, by passing legislation listing prohibited occupations for minors under 18 (Brazil);**

129.23 **Ensure that the legal framework addressing child labour raises the age of compulsory education to correspond to the minimum work age, and establishes specific hazardous occupations or activities prohibited for children (United States of America);**

129.24 **Review its legislation in order to ensure that victims of human rights abuses by business enterprises have access to effective complaint and redress mechanisms (Czech Republic);**

129.25 **Allocate the necessary means to assess and measure the scope of the phenomenon of corruption in the country" (Portugal);**

129.26 **Fully resource the Office for Combating Corruption to ensure it is able to investigate and prosecute these crimes (Australia);**

129.27 **Develop the legislative framework aimed at combating corruption (Egypt);**

129.28 **Put in place a National Strategy to combat corruption and eradicate its negative effects on the enjoyment of human rights (Morocco);**

129.29 **Increase resources and capacity towards full implementation of measures taken to fight corruption in the public and private sectors (Malaysia);**

129.30 **Decriminalize defamation and place it under the Civil Code in accordance with international standards (Ireland);**

129.31 **Work to promote freedom of expression in line with international human rights principles, including by repealing criminal defamation laws (Norway);**

129.32 **Review laws criminalizing defamation of public figures, to respect and guarantee freedom of expression (Switzerland);**

129.33 **Provide adequate administrative resources in order to fully and effectively implement the Code on Access to Information (Belgium);**

129.34 **Ensure the right of association of NGOs working on issues of sexual orientation and gender identity (Norway);**

129.35 **Take all necessary measures to ensure a safe working environment for journalists and media workers (Latvia);**

129.36 **Facilitate the registration and work of civil society organizations, including those defending human rights and fighting discrimination on all grounds, so that they can operate without harassment, undue restrictions and administrative obstacles (Czech Republic);**

129.37 **Revisit the legal framework governing the civil society sector, particularly with a view to reducing bureaucratic restrictions to freedom of association and the registration of national and foreign organizations (Netherlands);**

129.38 **Strengthen the framework for the protection of refugees and facilitate their integration at the local level (Togo).**

130. **The recommendations below did not enjoy the support of Mozambique and would thus be noted:**

130.1 **Consolidate the legal framework of human rights protection through ratifying the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the First Optional Protocol to the International Covenant on Civil and Political Rights (Luxembourg);**

130.2 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention against Discrimination in Education and also the Rome Statute (Tunisia);**

130.3 **Proceed to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Côte d'Ivoire);**

130.4 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance which was signed by Mozambique in 2008 (Togo);**

130.5 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance signed in 2008, as well as the Rome Statute signed in 2000 (France);**

130.6 **Ratify the Rome Statute of the International Criminal Court and implement it fully at national level and accede to the Agreement on Privileges and Immunities of the Court (Slovakia);**

130.7 **Ratify the Rome Statute of the International Criminal Court, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, as well as the First Optional Protocol to the International Covenant on Civil and Political Rights (Madagascar);**

130.8 **Ratify the Rome Statue of the International Criminal Court, as committed by Mozambique in its 2011 universal periodic review (Canada) (Latvia);**

130.9 **Ratify the Rome Statute of the International Criminal Court, including its Agreement on Privileges and Immunities (Botswana);**

130.10 **Ratify the Rome Statute of the International Criminal Court (Cyprus) (Georgia) (Germany) (Montenegro) (Switzerland) (Austria) (Ghana) (Timor-Leste) (Poland);**

130.11 **Bring its law in conformity with international human rights law (Madagascar);**

130.12 **Strengthen mechanisms to prohibit discrimination against vulnerable groups, including persons with albinism; and ensure non-discrimination on applications for accreditation by civil society organizations, including organizations such as LGBT Association of Mozambique (Canada);**

130.13 **Agree to the registration of LAMBDA (the Association for Defence of Sexual Minorities) as an official NGO (United Kingdom of Great Britain and Northern Ireland);**

130.14 **Ensure the rights of indigenous peoples, peasants and other people working in rural areas (Bolivia (Plurinational State of)).**

131. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Mozambique was headed by the Minister of Justice, Constitutional and Religious Affairs, H.E. Mr. Abdurremane Lino de Almeida and composed of the following members:

- H.E Pedro COMISSARIO Ambassador, Permanent Representative to the United Nations and other International Organizations (Geneva)
- Mr. Aly Bachir MACASSAR Director of Human Rights and Citizenship Ministry of Justice
- Mr. Jaime CHISSANO Minister Plenipotentiary, Permanent Mission (Geneva)
- Mr. Carlos Jorge SILIYA Attaché, Labour Affairs Permanent Mission (Geneva)
- Mr. Jose Sergio DIVAGE Advisor to the Minister, Ministry of Gender, Child and Social Affairs
- Ms. Feodosia VIANA Advisor to the Minister, Ministry of Education and Human Development
- Mr. Panachande Idrissa MOMADE Director of the Legal Affairs, Ministry of Interior
- Mr. Jeremias CUMBE Director of Planning- Police General Command
- Ms. Albatul CARDOSO Director of the Legal Office, Ministry of Public Work, Housing and Water Resources
- Ms. Olga MUNGUAMBE Commercial Counsellor, Permanent Mission (Geneva)
- Ms. Francelina ROMÃO Health Counsellor – Permanent Mission (Geneva).